



April 10, 2009

ENGROSSED

HOUSE BILL No. 1001

DIGEST OF HB 1001 (Updated April 9, 2009 10:30 am - DI 73)

Citations Affected: IC 4-4; IC 4-31; IC 4-33; IC 4-35; IC 5-1; IC 5-10; IC 5-28; IC 6-1.1; IC 6-3; IC 6-3.1; IC 6-3.5; IC 6-5.5; IC 6-7; IC 12-12; IC 20-20; IC 12-24; IC 12-30; IC 20-33; IC 20-43; IC 20-45; IC 20-46; IC 20-49; IC 20-51; IC 21-29; IC 33-24; IC 33-37; IC 33-39; IC 36-1; IC 36-5; noncode.

Synopsis: Budget bill. Makes appropriations for the biennium for the operation of state government and various other uses. Authorizes the issuance of bonds for various capital projects. Adds requirements concerning money available under the federal American Recovery and Reinvestment Act of 2009 (ARRA) for: (1) grants to local education agencies based on Title I of the Elementary and Secondary Education Act of 1965; and (2) special education funding. Specifies that the governor is solely authorized to accept on behalf of the state any and all ARRA funds available to the state. Requires the governor to submit a report covering applications filed and any action necessary to qualify the state for the ARRA funds to the executive director of the legislative services agency. Directs the governor to seek a waiver from the Secretary of the federal Department of Education if it is determined that Indiana does not meet the requirements of the federal American Recovery and Reinvestment Act of 2009 concerning the state fiscal stabilization fund administered by the federal Department of Education. Authorizes a local unit issuing debt to provide for a repayment schedule that will result in the same or a lower amount of interest being paid on obligations that would be issued using nearly equal payment amounts. Prohibits the Indiana horse racing commission and the Indiana gaming commission from: (1) imposing, charging, or
(Continued next page)

Effective: Upon passage; July 1, 2008 (retroactive); October 1, 2008 (retroactive); January 1, 2009 (retroactive); February 1, 2009, (retroactive); July 1, 2009; January 1, 2010.

Crawford, Pelath

(SENATE SPONSORS — KENLEY, BRODEN)

January 12, 2009, read first time and referred to Committee on Ways and Means.
February 17, 2009, amended, reported — Do Pass.
February 19, 2009, read second time, ordered engrossed. Engrossed.
February 20, 2009, read third time, passed. Yeas 52, nays 44.

SENATE ACTION

February 23, 2009, read first time and referred to Committee on Appropriations.
April 9, 2009, amended, reported favorably — Do Pass.

collecting by rule a fee that is not authorized by statute on any party to a proposed transfer of an ownership interest in a license; or (2) making the approval of a proposed transfer of an ownership interest in a license contingent upon the payment of any amount that is not authorized by statute. Requires a feasibility study of the benefits of changing the design and method for verifying, tracking, and tracing cigarette stamps. Amends the definition of "Internal Revenue Code" used in Indiana statutes and regulations to refer to the Internal Revenue Code in effect on February 17, 2009. Requires an add back to Indiana adjusted gross income of any amounts relating to: (1) the first \$2,400 of unemployment compensation excluded from federal income under Section 85(c) of the Internal Revenue Code; (2) the exclusion from income for discharged debt on principal residences; (3) the deferral of income from certain discharged debt under Section 108(i) of the Internal Revenue Code; (4) the additional deduction attributable to the 15-year straight-line depreciation for new restaurants; (5) the additional deduction attributable to the 15-year straight-line depreciation for certain retail improvements; (6) the additional deduction attributable to the special allowance for qualified disaster assistance property; (7) the deduction for an election to expense costs related to certain refineries; (8) the deduction for an election to expense costs for certain qualified film and television productions; (9) ordinary income treatment for the gain or loss from the sale of Fannie Mae or Freddie Mac stock; and (10) the exception for active financing income for insurance companies and financial institutions under Section 953(e) of the Internal Revenue Code (known as the Subpart F exception for active financing income). Provides that when calculating the deduction for unemployment compensation, the first \$2,400 of unemployment compensation excluded from federal income under Section 85(c) of the Internal Revenue Code should be considered. Requires that two years be used instead of five years for the net operating loss carryback period for small businesses. Requires the use of a five year carryback period for net operating losses for qualified disaster losses. Reallocates the cigarette tax revenue that is used to offset the employer health plan tax credit to a new state retiree health benefit trust fund. Provides that a taxpayer is entitled to a state tax credit for a contribution to a scholarship granting organization. Provides that the contribution must be used by the scholarship granting organization in a scholarship program to provide scholarships to eligible students. Limits the total amount of tax credits that may be awarded to \$5,000,000 in any state fiscal year. Provides that any special volume cap regarding bonds issued under a federal act providing the cap is in addition to the volume cap under Section 146 of the Internal Revenue Code. Provides that the Indiana finance authority is responsible for determining any allocation of special volume caps. Delays the implementation of fiscal year budgeting for school corporations until the budget year beginning July 1, 2011. Changes the membership of the statewide independent living council. Repeals the statutes allowing school corporations to use money in their capital projects funds for utilities and insurance. Provides that a charter school may receive technology funds. Specifies that the Senator David C. Ford educational technology fund may also be used for a school technology program that is developed by the department of education and that may include grants to school corporations for the purchase of: (1) equipment, hardware, and software; (2) learning and teaching systems; and (3) other materials; that promote student learning, as determined by the department. Requires the department of education to develop a charter school facilities incentive grants program before January 1, 2010, using priority criteria set forth in federal law. Specifies that state adult education funding may also be provided to entities that are eligible providers for purposes of the federal Adult Education and Family Literacy Act. (Current law limits state adult education funding to school corporations.) Provides that a charter school or conversion charter school that has received an advance for operational costs from the common school fund does not have to make principal or interest payments during the state fiscal years beginning July 1, 2009, and July 1, 2010. Extends the repayment terms by two (2) years to provide for the waiver of payments. Provides

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funding for a virtual charter school if the proposed establishment of the virtual charter school has been reviewed by the state budget committee and approved by the state department of education. Provides that the funding amount is the virtual charter school's ADM multiplied by 80% of the statewide average basic tuition support. Provides that a state educational institution may not enter into, modify, amend, or terminate any swap agreement without the specific approval of the public finance director. Provides that in all civil, criminal, infraction, and ordinance violation actions, the clerk of the court shall collect an automated record keeping fee in the following amounts: (1) \$7 before July 1, 2009. (2) \$5 after June 30, 2009. Provides that the budget agency (rather than the division of state court administration) administers the judicial technology and automation project fund. Eliminates the statutory annual appropriation from the fund. Requires the budget agency to establish standards and procedures for the judicial technology and automation project, and authorizes the budget agency to make grants related to the project. Authorizes certain industrial development loans. Eliminates contributions for a participant in the prosecuting attorneys retirement fund with at least 22 years of creditable service. For a participant who applies for a retirement benefit after November 30, 2010, bases the retirement benefit on the salary being paid for the office with the highest annual salary that the participant held before or at the time of the participant's separation from service. Reduces the early retirement reduction factor. Makes changes to the prosecuting attorneys retirement fund's disability benefits. Increases the minimum annual survivor benefit from \$7,000 to \$12,000. Provides that benefit increases paid in state fiscal years beginning after June 30, 2011, are equal to the percentage by which the salary being paid for the office with the highest salary that the participant held before or at the time of the participant's separation from service increases. Allows an elected county, city, town, or township officer to waive some or all of the elected officer's compensation for any year. Repeals a statute that allows only an elected town officer to waive compensation. Requires the commission for higher education with the assistance of the state student assistance commission to study the funding of college scholarship programs provided by the state student assistance commission and the state's public universities. Authorizes the Indiana finance authority to issue bonds to provide additional correctional facilities, at a cost of not more than \$45,000,000. Increases the court administration fee from \$5 to \$7 for all courts except the Marion County small claims court, and directs that the additional amount be paid into the prosecuting attorneys retirement fund. Requires the budget agency to review the costs of providing employee health, vision, and dental insurance for state employees and employees of school corporations and public universities. Establishes the Indiana Soldiers' and Sailors' Children's Home task force. Requires the task force to submit a report to the governor and the general assembly before January 1, 2010. Requires the Indiana finance authority to study the mission, organization, and management structure of the I-Light Fiber Optic Network and submit a report to the governor and the legislative council.

First Regular Session 116th General Assembly (2009)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2008 Regular Session of the General Assembly.

ENGROSSED HOUSE BILL No. 1001

A BILL FOR AN ACT concerning state and local administration
and to make an appropriation.

Be it enacted by the General Assembly of the State of Indiana:

SECTION 1. [EFFECTIVE JULY 1, 2009]

(a) The following definitions apply throughout this act:

(1) "Augmentation allowed" means the governor and the budget agency are authorized to add to an appropriation in this act from revenues accruing to the fund from which the appropriation was made.

(2) "Biennium" means the period beginning July 1, 2009, and ending June 30, 2011. Appropriations appearing in the biennial column for construction or other permanent improvements do not revert under IC 4-13-2-19 and may be allotted.

(3) "Deficiency appropriation" or "special claim" means an appropriation available during the 2008-2009 fiscal year.

(4) "Equipment" includes machinery, implements, tools, furniture, furnishings, vehicles, and other articles that have a calculable period of service that exceeds twelve (12) calendar months.

(5) "Fee replacement" includes payments to universities to be used to pay indebtedness resulting from financing the cost of planning, purchasing, rehabilitation, construction, repair, leasing, lease-purchasing, or otherwise acquiring land, buildings, facilities, and equipment to be used for academic and instructional purposes.

(6) "Federally qualified health center" means a community health center that is designated by the Health Resources Services Administration, Bureau of Primary Health Care, as a Federally Qualified Health Center Look Alike under the FED 330 Consolidated

1 **Health Center Program authorization, including Community Health Center (330e),**
2 **Migrant Health Center (330g), Health Care for the Homeless (330h), Public Housing**
3 **Primary Care (330i), and School Based Health Centers (330).**

4 **(7) "Other operating expense" includes payments for "services other than personal",**
5 **"services by contract", "supplies, materials, and parts", "grants, subsidies, refunds,**
6 **and awards", "in-state travel", "out-of-state travel", and "equipment".**

7 **(8) "Pension fund contributions" means the state of Indiana's contributions to a**
8 **specific retirement fund.**

9 **(9) "Personal services" includes payments for salaries and wages to officers and**
10 **employees of the state (either regular or temporary), payments for compensation**
11 **awards, and the employer's share of Social Security, health insurance, life insurance,**
12 **dental insurance, vision insurance, deferred compensation - state match, leave**
13 **conversion, disability, and retirement fund contributions.**

14 **(10) "SSBG" means the Social Services Block Grant. This was formerly referred to**
15 **as "Title XX".**

16 **(11) "State agency" means:**

17 **(A) each office, officer, board, commission, department, division, bureau, committee,**
18 **fund, agency, authority, council, or other instrumentality of the state;**

19 **(B) each hospital, penal institution, and other institutional enterprise of the**
20 **state;**

21 **(C) the judicial department of the state; and**

22 **(D) the legislative department of the state.**

23 **However, this term does not include cities, towns, townships, school cities, school**
24 **townships, school districts, other municipal corporations or political subdivisions**
25 **of the state, or universities and colleges supported in whole or in part by state**
26 **funds.**

27 **(12) "State funded community health center" means a public or private not for profit**
28 **(501(c)(3)) organization that provides comprehensive primary health care services to**
29 **all age groups.**

30 **(13) "Total operating expense" includes payments for both "personal services" and**
31 **"other operating expense".**

32 **(b) The state board of finance may authorize advances to boards or persons having**
33 **control of the funds of any institution or department of the state of a sum of**
34 **money out of any appropriation available at such time for the purpose of establishing**
35 **working capital to provide for payment of expenses in the case of emergency when**
36 **immediate payment is necessary or expedient. Advance payments shall be made by**
37 **warrant by the auditor of state, and properly itemized and receipted bills or invoices**
38 **shall be filed by the board or persons receiving the advance payments.**

39 **(c) All money appropriated by this act shall be considered either a direct appropriation**
40 **or an appropriation from a rotary or revolving fund.**

41 **(1) Direct appropriations are subject to withdrawal from the state treasury and**
42 **for expenditure for such purposes, at such time, and in such manner as may be prescribed**
43 **by law. Direct appropriations are not subject to return and rewithdrawal from the**
44 **state treasury, except for the correction of an error which may have occurred in**
45 **any transaction or for reimbursement of expenditures which have occurred in the**
46 **same fiscal year.**

47 **(2) A rotary or revolving fund is any designated part of a fund that is set apart**
48 **as working capital in a manner prescribed by law and devoted to a specific purpose**
49 **or purposes. The fund consists of earnings and income only from certain sources**

or a combination thereof. The money in the fund shall be used for the purpose designated by law as working capital. The fund at any time consists of the original appropriation thereto, if any, all receipts accrued to the fund, and all money withdrawn from the fund and invested or to be invested. The fund shall be kept intact by separate entries in the auditor of state's office, and no part thereof shall be used for any purpose other than the lawful purpose of the fund or revert to any other fund at any time. However, any unencumbered excess above any prescribed amount shall be transferred to the state general fund at the close of each fiscal year unless otherwise specified in the Indiana Code.

SECTION 2. [EFFECTIVE JULY 1, 2009]

For the conduct of state government, its offices, funds, boards, commissions, departments, societies, associations, services, agencies, and undertakings, and for other appropriations not otherwise provided by statute, the following sums in SECTIONS 3 through 10 are appropriated for the periods of time designated from the general fund of the state of Indiana or other specifically designated funds.

In this act, whenever there is no specific fund or account designated, the appropriation is from the general fund.

SECTION 3. [EFFECTIVE JULY 1, 2009]

GENERAL GOVERNMENT

A. LEGISLATIVE

FOR THE GENERAL ASSEMBLY

LEGISLATORS' SALARIES - HOUSE

Total Operating Expense	6,198,756	6,434,309
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HOUSE EXPENSES

Total Operating Expense	10,549,327	10,950,339
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LEGISLATORS' SALARIES - SENATE

Total Operating Expense	2,247,345	2,342,556
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SENATE EXPENSES

Total Operating Expense	10,413,712	11,812,594
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Included in the above appropriations for house and senate expenses are funds for a legislative business per diem allowance, meals, and other usual and customary expenses associated with legislative affairs. Except as provided below, this allowance is to be paid to each member of the general assembly for every day, including Sundays, during which the general assembly is convened in regular or special session, commencing with the day the session is officially convened and concluding with the day the session is adjourned sine die. However, after five (5) consecutive days of recess, the legislative business per diem allowance is to be made on an individual voucher basis until the recess concludes.

Members of the general assembly are entitled, when authorized by the speaker of the house or the president pro tempore of the senate, to the legislative business per

1 diem allowance for each and every day engaged in official business.

2
3 The legislative business per diem allowance that each member of the general assembly
4 is entitled to receive equals the maximum daily amount allowable to employees of
5 the executive branch of the federal government for subsistence expenses while away
6 from home in travel status in the Indianapolis area. The legislative business per
7 diem changes each time there is a change in that maximum daily amount.

8
9 In addition to the legislative business per diem allowance, each member of the general
10 assembly shall receive the mileage allowance in an amount equal to the standard mileage
11 rates for personally owned transportation equipment established by the federal Internal
12 Revenue Service for each mile necessarily traveled from the member's usual place
13 of residence to the state capitol. However, if the member traveled by a means other
14 than by motor vehicle, and the member's usual place of residence is more than one
15 hundred (100) miles from the state capitol, the member is entitled to reimbursement
16 in an amount equal to the lowest air travel cost incurred in traveling from the usual
17 place of residence to the state capitol. During the period the general assembly is
18 convened in regular or special session, the mileage allowance shall be limited to
19 one (1) round trip each week per member.

20
21 Any member of the general assembly who is appointed, by the governor, speaker
22 of the house, president or president pro tempore of the senate, house or senate minority
23 floor leader, or Indiana legislative council to serve on any research, study, or
24 survey committee or commission, or who attends any meetings authorized or convened
25 under the auspices of the Indiana legislative council, including pre-session conferences
26 and federal-state relations conferences, is entitled, when authorized by the legislative
27 council, to receive the legislative business per diem allowance for each day in actual
28 attendance and is also entitled to a mileage allowance, at the rate specified above,
29 for each mile necessarily traveled from the member's usual place of residence to
30 the state capitol, or other in-state site of the committee, commission, or conference.
31 The per diem allowance and the mileage allowance permitted under this paragraph shall
32 be paid from the legislative council appropriation for legislator and lay member
33 travel unless the member is attending an out-of-state meeting, as authorized by the
34 speaker of the house of representatives or the president pro tempore of the senate,
35 in which case the member is entitled to receive:

36 (1) the legislative business per diem allowance for each day the member is engaged
37 in approved out-of-state travel; and
38 (2) reimbursement for traveling expenses actually incurred in connection with the
39 member's duties, as provided in the state travel policies and procedures established
40 by the legislative council.

41
42 Notwithstanding the provisions of this or any other statute, the legislative council
43 may adopt, by resolution, travel policies and procedures that apply only to members
44 of the general assembly or to the staffs of the house of representatives, senate,
45 and legislative services agency, or both members and staffs. The legislative council
46 may apply these travel policies and procedures to lay members serving on research,
47 study, or survey committees or commissions that are under the jurisdiction of the
48 legislative council. Notwithstanding any other law, rule, or policy, the state travel
49 policies and procedures established by the Indiana department of administration and

approved by the budget agency do not apply to members of the general assembly, to the staffs of the house of representatives, senate, or legislative services agency, or to lay members serving on research, study, or survey committees or commissions under the jurisdiction of the legislative council (if the legislative council applies its travel policies and procedures to lay members under the authority of this SECTION), except that, until the legislative council adopts travel policies and procedures, the state travel policies and procedures established by the Indiana department of administration and approved by the budget agency apply to members of the general assembly, to the staffs of the house of representatives, senate, and legislative services agency, and to lay members serving on research, study, or survey committees or commissions under the jurisdiction of the legislative council. The executive director of the legislative services agency is responsible for the administration of travel policies and procedures adopted by the legislative council. The auditor of state shall approve and process claims for reimbursement of travel related expenses under this paragraph based upon the written affirmation of the speaker of the house of representatives, the president pro tempore of the senate, or the executive director of the legislative services agency that those claims comply with the travel policies and procedures adopted by the legislative council. If the funds appropriated for the house and senate expenses and legislative salaries are insufficient to pay all the necessary expenses incurred, including the cost of printing the journals of the house and senate, there is appropriated such further sums as may be necessary to pay such expenses.

LEGISLATORS' SUBSISTENCE

LEGISLATORS' EXPENSES - HOUSE

Total Operating Expense	2,524,980	2,620,929
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LEGISLATORS' EXPENSES - SENATE

Total Operating Expense	1,126,579	1,004,601
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Each member of the general assembly is entitled to a subsistence allowance of forty percent (40%) of the maximum daily amount allowable to employees of the executive branch of the federal government for subsistence expenses while away from home in travel status in the Indianapolis area:

- (1) each day that the general assembly is not convened in regular or special session; and
- (2) each day after the first session day held in November and before the first session day held in January.

However, the subsistence allowance under subdivision (2) may not be paid with respect to any day after the first session day held in November and before the first session day held in January with respect to which all members of the general assembly are entitled to a legislative business per diem.

The subsistence allowance is payable from the appropriations for legislators' subsistence.

The officers of the senate are entitled to the following amounts annually in addition to the subsistence allowance: president pro tempore, \$7,000; assistant president pro tempore, \$3,000; majority floor leader, \$5,500; assistant majority floor leaders, \$3,500; majority caucus chair, \$5,500; assistant majority caucus chairs, \$1,500;

appropriations committee chair, \$5,500; tax and fiscal policy committee chair, \$5,500;
 appropriations committee ranking majority member, \$2,000; tax and fiscal policy committee
 ranking majority member, \$2,000; majority whip, \$4,000; assistant majority whip,
 \$2,000; minority floor leader, \$6,000; minority leader emeritus, \$1,500; minority
 caucus chair, \$5,000; minority assistant floor leader, \$5,000; appropriations committee
 ranking minority member, \$2,000; tax and fiscal policy committee ranking minority
 member, \$2,000; minority whip(s), \$2,000; assistant minority caucus chair(s), \$1,000;
 agriculture and small business committee chair, \$1,000; commerce, public policy,
 and interstate cooperation committee chair, \$1,000; corrections, criminal, and civil
 matters committee chair, \$1,000; education and career development chair, \$1,000;
 elections committee chair, \$1,000; energy and environmental affairs committee chair,
 \$1,000; pensions and labor committee chair, \$1,000; health and provider services
 committee chair, \$1,000; homeland security, transportation, and veterans affairs
 committee chair, \$1,000; insurance and financial institutions committee chair, \$1,000;
 judiciary committee chair, \$1,000; local government committee chair, \$1,000; utilities
 and technology committee chair, \$1,000; and natural resources committee chair, \$1,000.
 If an officer fills more than one leadership position, the officer shall be paid for
 the higher paid position.

Officers of the house of representatives are entitled to the following amounts annually
 in addition to the subsistence allowance: speaker of the house, \$6,500; speaker pro
 tempore, \$5,000; deputy speaker pro tempore, \$1,500; majority leader, \$5,000; majority
 caucus chair, \$5,000; assistant majority caucus chair, \$1,000; ways and means committee
 chair, \$5,000; ways and means committee ranking majority member, \$3,000; ways and
 means committee, chairman of the education subcommittee, \$1,500; speaker pro tempore
 emeritus, \$1,500; budget subcommittee chair, \$3,000; majority whip, \$3,500; assistant
 majority whip, \$1,000; assistant majority leader, \$1,000; minority leader, \$5,500;
 minority caucus chair, \$4,500; ways and means committee ranking minority member,
 \$3,500; minority whip, \$2,500; assistant minority leader, \$4,500; second assistant
 minority leader, \$1,500; and deputy assistant minority leader, \$1,000.

If the senate or house of representatives eliminates a committee or officer referenced
 in this SECTION and replaces the committee or officer with a new committee or position,
 the foregoing appropriations for subsistence shall be used to pay for the new committee
 or officer. However, this does not permit any additional amounts to be paid under
 this SECTION for a replacement committee or officer than would have been spent for
 the eliminated committee or officer. If the senate or house of representatives creates
 a new additional committee or officer, or assigns additional duties to an existing
 officer, the foregoing appropriations for subsistence shall be used to pay for the
 new committee or officer, or to adjust the annual payments made to the existing officer,
 in amounts determined by the legislative council.

If the funds appropriated for legislators' subsistence are insufficient to pay all
 the subsistence incurred, there are hereby appropriated such further sums as may
 be necessary to pay such subsistence.

FOR THE LEGISLATIVE COUNCIL AND THE LEGISLATIVE SERVICES AGENCY		
Total Operating Expense	9,989,200	10,388,768
LEGISLATOR AND LAY MEMBER TRAVEL		

1	Total Operating Expense	700,000	750,000
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2

3 **Included in the above appropriations for the legislative council and legislative**
4 **services agency expenses are funds for usual and customary expenses associated with**
5 **legislative services.**

6

7 **If the funds above appropriated for the legislative council and the legislative services**
8 **agency and legislator and lay member travel are insufficient to pay all the necessary**
9 **expenses incurred, there are hereby appropriated such further sums as may be necessary**
10 **to pay those expenses.**

11

12 **Any person other than a member of the general assembly who is appointed by the governor,**
13 **speaker of the house, president or president pro tempore of the senate, house or**
14 **senate minority floor leader, or legislative council to serve on any research, study,**
15 **or survey committee or commission is entitled, when authorized by the legislative**
16 **council, to a per diem instead of subsistence of \$75 per day during the 2009-2011**
17 **biennium. In addition to the per diem, such a person is entitled to mileage reimbursement,**
18 **at the rate specified for members of the general assembly, for each mile necessarily**
19 **traveled from the person's usual place of residence to the state capitol or other**
20 **in-state site of the committee, commission, or conference. However, reimbursement**
21 **for any out-of-state travel expenses claimed by lay members serving on research,**
22 **study, or survey committees or commissions under the jurisdiction of the legislative**
23 **council shall be based on SECTION 14 of this act, until the legislative council applies**
24 **those travel policies and procedures that govern legislators and their staffs to**
25 **such lay members as authorized elsewhere in this SECTION. The allowance and reimbursement**
26 **permitted in this paragraph shall be paid from the legislative council appropriations**
27 **for legislative and lay member travel unless otherwise provided for by a specific**
28 **appropriation.**

29

30 **LEGISLATIVE COUNCIL CONTINGENCY FUND**

31	Total Operating Expense	225,000
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33 **Disbursements from the fund may be made only for purposes approved by the chairman**
34 **and vice chairman of the legislative council.**

35

36 **The legislative services agency shall charge the following fees, unless the legislative**
37 **council sets these or other fees at different rates:**

38

39 **Annual subscription to the session document service for sessions ending in odd-numbered**
40 **years: \$900**

41

42 **Annual subscription to the session document service for sessions ending in even-numbered**
43 **years: \$500**

44

45 **Per page charge for copies of legislative documents: \$0.15**

46

47 **Annual charge for interim calendar: \$10**

48

49 **Daily charge for the journal of either house: \$2**

PRINTING AND DISTRIBUTION

Total Operating Expense	939,400	975,000
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The above funds are appropriated for the printing and distribution of documents published by the legislative council. These documents include journals, bills, resolutions, enrolled documents, the acts of the first and second regular sessions of the 116th general assembly, the supplements to the Indiana Code for fiscal years 2009-2010 and 2010-2011, and the publication of the Indiana Administrative Code and the Indiana Register. Upon completion of the distribution of the Acts and the supplements to the Indiana Code, as provided in IC 2-6-1.5, remaining copies may be sold at a price or prices periodically determined by the legislative council. If the above appropriations for the printing and distribution of documents published by the legislative council are insufficient to pay all of the necessary expenses incurred, there are hereby appropriated such sums as may be necessary to pay such expenses.

COUNCIL OF STATE GOVERNMENTS ANNUAL DUES

Other Operating Expense	149,702	155,000
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NATIONAL CONFERENCE OF STATE LEGISLATURES ANNUAL DUES

Other Operating Expense	199,031	207,019
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NATIONAL CONFERENCE OF INSURANCE LEGISLATORS ANNUAL DUES

Other Operating Expense	10,000	10,000
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REAPPORTIONMENT SUPPORT AND SERVICES

Total Operating Expense		250,000
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If the above appropriation for reapportionment support and services is insufficient to pay all of the necessary expenses incurred, there is appropriated such further sums as may be necessary to pay such expenses.

FOR THE INDIANA LOBBY REGISTRATION COMMISSION

Total Operating Expense	271,910	271,910
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B. JUDICIAL

FOR THE SUPREME COURT

Personal Services	7,721,165	7,721,165
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Other Operating Expense	2,195,069	2,195,069
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The above appropriation for the supreme court personal services includes the subsistence allowance as provided by IC 33-38-5-8.

LOCAL JUDGES' SALARIES

Personal Services	57,146,053	57,146,053
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Other Operating Expense	39,000	39,000
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COUNTY PROSECUTORS' SALARIES

Personal Services	24,785,126	24,785,126
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Other Operating Expense	31,000	31,000
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The above appropriations for county prosecutors' salaries represent the amounts authorized by IC 33-39-6-5 and that are to be paid from the state general fund.

In addition to the appropriations for local judges' salaries and for county prosecutors' salaries, there are hereby appropriated for personal services the amounts that the state is required to pay for salary changes or for additional courts created by the 116th general assembly.

TRIAL COURT OPERATIONS

Total Operating Expense	596,075	596,075
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INDIANA CONFERENCE FOR LEGAL EDUCATION OPPORTUNITY

Total Operating Expense	778,750	778,750
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The above funds are appropriated to the division of state court administration in compliance with the provisions of IC 33-24-13-7.

PUBLIC DEFENDER COMMISSION

Total Operating Expense	9,850,000	9,850,000
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The above appropriation is made in addition to the distribution authorized by IC 33-37-7-9(c) for the purpose of reimbursing counties for indigent defense services provided to a defendant. The division of state court administration of the supreme court of Indiana shall provide staff support to the commission and shall administer the public defense fund. The administrative costs may come from the public defense fund. Any balance in the public defense fund is appropriated to the public defender commission.

GUARDIAN AD LITEM

Total Operating Expense	2,970,248	2,970,248
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The division of state court administration shall use the foregoing appropriation to administer an office of guardian ad litem and court appointed special advocate services and to provide matching funds to counties that are required to implement, in courts with juvenile jurisdiction, a guardian ad litem and court appointed special advocate program for children who are alleged to be victims of child abuse or neglect under IC 31-33 and to administer the program. A county may use these matching funds to supplement amounts collected as fees under IC 31-40-3 to be used for the operation of guardian ad litem and court appointed special advocate programs. The county fiscal body shall appropriate adequate funds for the county to be eligible for these matching funds.

CIVIL LEGAL AID

Total Operating Expense	1,500,000	1,500,000
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The above funds include the appropriation provide in IC 33-24-12-7.

SPECIAL JUDGES - COUNTY COURTS

Personal Services	15,000	15,000
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Other Operating Expense	134,000	134,000
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If the funds appropriated above for special judges of county courts are insufficient to pay all of the necessary expenses that the state is required to pay under IC 34-35-1-4, there are hereby appropriated such further sums as may be necessary to pay these expenses.

COMMISSION ON RACE AND GENDER FAIRNESS

Total Operating Expense	380,996	380,996
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FOR THE COURT OF APPEALS

Personal Services	9,307,301	9,307,301
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Other Operating Expense	1,083,440	1,083,440
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The above appropriations for the court of appeals personal services include the subsistence allowance provided by IC 33-38-5-8.

FOR THE TAX COURT

Personal Services	549,418	549,418
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Other Operating Expense	123,595	123,595
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FOR THE JUDICIAL CENTER

Personal Services	1,833,579	1,833,579
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Other Operating Expense	1,240,419	1,240,419
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The above appropriations for the judicial center include the appropriations for the judicial conference.

DRUG AND ALCOHOL PROGRAMS FUND

Total Operating Expense	299,010	299,010
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The above funds are appropriated under IC 33-37-7-9 for the purpose of administering, certifying, and supporting alcohol and drug services programs under IC 12-23-14. However, if the receipts are less than the appropriation, the center may not spend more than is collected.

INTERSTATE COMPACT FOR ADULT OFFENDER SUPERVISION

Total Operating Expense	200,000	200,000
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FOR THE PUBLIC DEFENDER

Personal Services	6,133,410	6,133,410
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Other Operating Expense	1,031,506	1,031,506
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FOR THE PUBLIC DEFENDER COUNCIL

Personal Services	943,769	943,769
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Other Operating Expense	420,328	420,328
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FOR THE PROSECUTING ATTORNEYS' COUNCIL

Personal Services	638,099	638,099
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Other Operating Expense	577,177	577,177
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1	DRUG PROSECUTION		
2	Drug Prosecution Fund (IC 33-39-8-6)		
3	Total Operating Expense	79,000	109,000
4	Augmentation allowed.		
5			
6	FOR THE PUBLIC EMPLOYEES' RETIREMENT FUND		
7	JUDGES' RETIREMENT FUND		
8	Other Operating Expense	11,474,961	12,048,709
9	PROSECUTORS' RETIREMENT FUND		
10	Other Operating Expense	170,000	170,000
11			
12	C. EXECUTIVE		
13			
14	FOR THE GOVERNOR'S OFFICE		
15	Personal Services	1,902,269	1,902,269
16	Other Operating Expense	153,976	153,976
17	GOVERNOR'S RESIDENCE		
18	Total Operating Expense	136,858	136,858
19	GOVERNOR'S CONTINGENCY FUND		
20	Total Operating Expense		153,358
21			
22	Direct disbursements from the above contingency fund are not subject to the provisions		
23	of IC 5-22.		
24			
25	GOVERNOR'S FELLOWSHIP PROGRAM		
26	Total Operating Expense	265,205	265,205
27			
28	FOR THE WASHINGTON LIAISON OFFICE		
29	Total Operating Expense	242,500	242,500
30			
31	FOR THE LIEUTENANT GOVERNOR		
32	Personal Services	1,725,210	1,725,210
33	Other Operating Expense	550,115	550,115
34	CONTINGENCY FUND		
35	Total Operating Expense		12,388
36			
37	Direct disbursements from the above contingency fund are not subject to the provisions		
38	of IC 5-22.		
39			
40	FOR THE SECRETARY OF STATE		
41	ADMINISTRATION		
42	Personal Services	2,197,658	2,197,658
43	Other Operating Expense	200,500	150,500
44			
45	The above appropriation for other operating expense for FY 2010 includes \$50,000		
46	for web-based redistricting software.		
47			
48	FOR THE ATTORNEY GENERAL		
49	ATTORNEY GENERAL		

1	From the General Fund		
2		15,128,969	15,128,969
3	From the Motor Vehicle Odometer Fund (IC 9-29-1-5)		
4		90,000	90,000
5	Augmentation allowed.		
6	From the Medicaid Fraud Control Unit Fund (IC 4-6-10-1)		
7		542,447	542,447
8	Augmentation allowed.		
9	From the Address Confidentiality Fund (IC 5-26.5-3-6)		
10		59,929	59,929
11	Augmentation allowed.		
12	From the Real Estate Appraiser Investigative Fund (IC 25-34.1-8-7.5)		
13		64,230	64,230
14	Augmentation allowed.		
15	From the Consumer Protection Division Telephone Solicitation Fund (IC 24-4.7-3-6)		
16		116,678	116,678
17	Augmentation allowed.		
18	From the Tobacco Master Settlement Agreement Fund (IC 4-12-1-14.3)		
19		494,467	494,467
20	Augmentation allowed.		
21	From the Abandoned Property Fund (IC 32-34-1-33)		
22		318,968	318,968
23	Augmentation allowed.		

The amounts specified from the General Fund, motor vehicle odometer fund, medicaid fraud control unit fund, address confidentiality fund, non-consumer settlements fund, real estate appraisers investigative fund, tobacco master settlement fund, and abandoned property fund are for the following purposes:

30	Personal Services	15,690,686	15,690,686
31	Other Operating Expense	1,125,002	1,125,002
32			
33	HOMEOWNER PROTECTION UNIT		
34	Homeowner Protection Unit Account (IC 4-6-12-9)		
35	Total Operating Expense	422,000	422,000
36	MEDICAID FRAUD UNIT		
37	Total Operating Expense	829,789	829,789

The above appropriations to the Medicaid fraud unit are the state's matching share of the state Medicaid fraud control unit under IC 4-6-10 as prescribed by 42 U.S.C. 1396b(q). Augmentation allowed from collections.

43	UNCLAIMED PROPERTY		
44	Abandoned Property Fund (IC 32-34-1-33)		
45	Personal Services	1,347,951	1,347,951
46	Other Operating Expense	3,163,434	3,163,434
47	Augmentation allowed.		

D. FINANCIAL MANAGEMENT

FOR THE AUDITOR OF STATE

Personal Services	4,587,218	4,587,218
Other Operating Expense	1,388,632	1,388,632

GOVERNORS' AND GOVERNORS' SURVIVING SPOUSES' PENSIONS

Total Operating Expense	140,246	140,246
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The above appropriations for governors' and governors' surviving spouses' pensions are made under IC 4-3-3.

FOR THE STATE BOARD OF ACCOUNTS

Personal Services	20,581,483	20,581,483
Other Operating Expense	1,178,717	1,178,717

FOR THE STATE BUDGET COMMITTEE

Total Operating Expense	54,126	54,126
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Notwithstanding IC 4-12-1-11(b), the salary per diem of the legislative members of the budget committee is an amount equal to one hundred fifty percent (150%) of the legislative business per diem allowance. If the above appropriations are insufficient to carry out the necessary operations of the budget committee, there are hereby appropriated such further sums as may be necessary.

FOR THE OFFICE OF MANAGEMENT AND BUDGET

Personal Services	1,000,227	1,000,227
Other Operating Expense	153,095	153,095

FOR THE STATE BUDGET AGENCY

Personal Services	2,729,047	2,729,047
Other Operating Expense	639,093	639,093

DEPARTMENTAL AND INSTITUTIONAL EMERGENCY CONTINGENCY FUND

Total Operating Expense		10,000,000
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The foregoing departmental and institutional emergency contingency fund appropriation is subject to allotment to departments, institutions, and all state agencies by the budget agency with the approval of the governor. These allocations may be made upon written request of proper officials, showing that contingencies exist that require additional funds for meeting necessary expenses. The budget committee shall be advised of each transfer request and allotment.

JUDICIAL TECHNOLOGY AND AUTOMATION PROJECT

Judicial Technology and Automation Fund (IC 33-24-6-12)

Total Operating Expense	5,000,000	5,000,000
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Augmentation Allowed.

OUTSIDE BILL CONTINGENCY

Total Operating Expense		
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1 **PERSONAL SERVICESFRINGE BENEFITS CONTINGENCY FUND**

2 **Total Operating Expense** **66,750,000**

3
4 The foregoing personal services/fringe benefits contingency fund appropriation is
5 subject to allotment to departments, institutions, and all state agencies by the
6 budget agency with the approval of the governor.

7
8 The foregoing personal services/fringe benefits contingency fund appropriation may
9 be used only for salary increases, fringe benefit increases, an employee leave conversion
10 program, or a state retiree health program for state employees and may not be used
11 for any other purpose.

12
13 The foregoing personal services/fringe benefits contingency fund appropriation does
14 not revert at the end of the biennium but remains in the personal services/fringe
15 benefits contingency fund.

16
17 **STATE RETIREE HEALTH BENEFIT TRUST FUND**

18 **State Employee Retiree Health Benefit Trust Fund (IC 5-10-8-8.5)**

19 **Total Operating Expense** **64,400,000**

20 **Augmentation Allowed.**

21
22 The foregoing appropriation for the state retiree health plan:

- 23
24 (1) is to fund employer contributions and benefits provided under IC 5-10-8.5;
25 (2) does not revert at the end of any state fiscal year but remains available for
26 the purposes of the appropriation in subsequent state fiscal years; and
27 (3) is not subject to transfer to any other fund or to transfer, assignment, or reassignment
28 for any other use or purpose by the state board of finance notwithstanding IC 4-9.1-1-7
29 and IC 4-13-2-23 or by the budget agency notwithstanding IC 4-12-1-12 or any other
30 law.

31
32 The budget agency may transfer appropriations from federal or dedicated funds to
33 the trust fund to accrue funds to pay benefits to employees that are not paid from
34 the general fund.

35
36 **COMPREHENSIVE HEALTH INSURANCE ASSOCIATION STATE SHARE**

37 **Total Operating Expense** **77,000,000**

38 **Augmentation Allowed.**

39
40 **SCHOOL AND LIBRARY INTERNET CONNECTION**

41 **Build Indiana Fund (IC 4-30-17)**

42 **Total Operating Expense** **7,000,000**

43
44 Of the foregoing appropriations, \$2,300,000 each year shall be used for schools under
45 IC 4-34-3-4, and \$1,200,000 each year shall be used for libraries under IC 4-34-3-2.

46
47 **INSPIRE (IC 4-34-3-2)**

48 **Build Indiana Fund (IC 4-30-17)**

49 **Other Operating Expense** **3,000,000**

FOR THE PUBLIC EMPLOYEES' RETIREMENT FUND
PUBLIC SAFETY PENSION

Total Operating Expense	96,000,000	112,000,000
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FOR THE TREASURER OF STATE

Personal Services	817,630	817,630
Other Operating Expense	52,476	52,476

The treasurer of state, the board for depositories, the Indiana commission for higher education, and the state student assistance commission shall cooperate and provide to the Indiana education savings authority the following:

- (1) Clerical and professional staff and related support.
- (2) Office space and services.
- (3) Reasonable financial support for the development of rules, policies, programs, and guidelines, including authority operations and travel.

E. TAX ADMINISTRATION

FOR THE DEPARTMENT OF REVENUE
COLLECTION AND ADMINISTRATION

From the General Fund

48,831,936	48,831,936
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From the Motor Carrier Regulation Fund (IC 8-2.1-23)

794,261	794,261
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From the Motor Vehicle Highway Account (IC 8-14-1)

2,449,434	2,449,434
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Augmentation allowed from the Motor Carrier Regulation Fund and the Motor Vehicle Highway Account.

The amounts specified from the General Fund, Motor Carrier Regulation Fund, and the Motor Vehicle Highway Account are for the following purposes:

Personal Services	37,103,377	37,103,377
Other Operating Expense	14,972,254	14,972,254

With the approval of the governor and the budget agency, the department shall annually reimburse the state general fund for expenses incurred in support of the collection of dedicated fund revenue according to the department's cost allocation plan.

With the approval of the governor and the budget agency, the foregoing sums for the department of state revenue may be augmented to an amount not exceeding in total, together with the above specific amounts, one and one-tenth percent (1.1%) of the amount of money collected by the department of state revenue from taxes and fees.

OUTSIDE COLLECTIONS

Total Operating Expense	4,500,000	4,500,000
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With the approval of the governor and the budget agency, the foregoing sums for the

department of state revenue's outside collections may be augmented to an amount not exceeding in total, together with the above specific amounts, one and one-tenth percent (1.1%) of the amount of money collected by the department from taxes and fees.

MOTOR CARRIER REGULATION

Motor Carrier Regulation Fund (IC 8-2.1-23)

Personal Services	1,744,843	1,744,843
Other Operating Expense	3,797,857	3,797,857

Augmentation allowed from the Motor Carrier Regulation Fund.

MOTOR FUEL TAX DIVISION

Motor Vehicle Highway Account (IC 8-14-1)

Personal Services	7,041,830	7,041,830
Other Operating Expense	2,561,625	2,561,625

Augmentation allowed from the Motor Vehicle Highway Account.

In addition to the foregoing appropriations, there is hereby appropriated to the department of revenue motor fuel tax division an amount sufficient to pay claims for refunds on license-fee-exempt motor vehicle fuel as provided by law. The sums above appropriated from the motor vehicle highway account for the operation of the motor fuel tax division, together with all refunds for license-fee-exempt motor vehicle fuel, shall be paid from the receipts of those license fees before they are distributed as provided by IC 6-6-1.1.

FOR THE INDIANA GAMING COMMISSION

From the State Gaming Fund (IC 4-33-13-3)

3,501,183	3,501,183
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From the Gaming Investigations

600,000	600,000
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The amounts specified from the state gaming fund and gaming investigations are for the following purposes:

Personal Services	3,288,542	3,288,542
Other Operating Expense	812,641	812,641

The foregoing appropriations to the Indiana gaming commission are made from revenues accruing to the state gaming fund under IC 4-33-13-3 before any distribution is made under IC 4-33-13-5.

Augmentation allowed.

The foregoing appropriations to the Indiana gaming commission are made instead of the appropriation made in IC 4-33-13-4.

FOR THE INDIANA DEPARTMENT OF GAMING RESEARCH

Personal Services	120,394	120,394
Other Operating Expense	104,312	104,312

Augmentation allowed from fees accruing under IC 4-33-18-8.

FOR THE INDIANA HORSE RACING COMMISSION

Indiana Horse Racing Commission Operating Fund (IC 4-31-10-2)

Personal Services	2,126,562	2,126,562
Other Operating Expense	627,890	627,890

The foregoing appropriations to the Indiana horse racing commission are made from revenues accruing to the Indiana horse racing commission before any distribution is made under IC 4-31-9.

Augmentation allowed.

STANDARDDBRED ADVISORY BOARD

Standardbred Horse Fund (IC 15-19-2-10)

Total Operating Expense	193,500	193,500
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The foregoing appropriations to the standardbred advisory board are made from revenues accruing to the Indiana horse racing commission before any distribution is made under IC 4-31-9.

Augmentation allowed.

STANDARDDBRED BREED DEVELOPMENT

Indiana Horse Racing Commission Operating Fund (IC 4-31-10-2)

Total Operating Expense	4,049,719	4,049,719
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Augmentation allowed.

THOROUGHBRED BREED DEVELOPMENT

Indiana Horse Racing Commission Operating Fund (IC 4-31-10-2)

Total Operating Expense	2,904,012	2,904,012
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Augmentation allowed.

QUARTER HORSE BREED DEVELOPMENT

Indiana Horse Racing Commission Operating Fund (IC 4-31-10-2)

Total Operating Expense	228,896	228,896
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Augmentation allowed.

FINGERPRINT FEES

Indiana Horse Racing Commission Operating Fund (IC 4-31-10-2)

Total Operating Expense	52,110	52,110
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Augmentation allowed.

GAMING INTEGRITY FUND - IHRC

Gaming Integrity Fund - IHRC (IC 4-35-8.7-3)

Total Operating Expense	500,000	500,000
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Augmentation allowed.

FOR THE DEPARTMENT OF LOCAL GOVERNMENT FINANCE

Personal Services	3,927,361	3,926,359
Other Operating Expense	722,957	722,957

From the above appropriations for the department of local government finance, travel subsistence and mileage allowances may be paid for members of the local government tax control board created by IC 6-1.1-18.5-11 and the state school property tax control board created by IC 6-1.1-19-4.1, under state travel regulations.

1 **DISTRESSED UNIT APPEAL BOARD**

2 Total Operating Expense	20,600	20,600
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3

4 **FOR THE INDIANA BOARD OF TAX REVIEW**

5 Personal Services	1,209,019	1,209,019
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6 Other Operating Expense	63,510	63,510
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7

8 **F. ADMINISTRATION**

9

10 **FOR THE DEPARTMENT OF ADMINISTRATION**

11 Personal Services	11,562,865	11,562,865
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12 Other Operating Expense	14,718,815	14,718,815
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13

14 **FOR THE STATE PERSONNEL DEPARTMENT**

15 Personal Services	3,405,686	3,405,686
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16 Other Operating Expense	320,200	320,200
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17

18 The department may establish an internal service fund to perform the functions of the
19 department.

20

21 The state must provide a variety of healthcare plan options to the extent such plans
22 are reasonably available and not restrict employees to health savings account plans.

23

24 **FOR THE STATE EMPLOYEES APPEALS COMMISSION**

25 Personal Services	169,653	169,653
-----------------------------	----------------	----------------

26 Other Operating Expense	10,086	10,086
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27

28 **FOR THE OFFICE OF TECHNOLOGY**

29 Total Operating Expense	1,900,000	1,900,000
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30

31 **FOR THE COMMISSION ON PUBLIC RECORDS**

32 Personal Services	1,325,220	1,325,220
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33 Other Operating Expense	141,446	141,446
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34

35 **FOR THE OFFICE OF THE PUBLIC ACCESS COUNSELOR**

36 Personal Services	153,041	153,041
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37 Other Operating Expense	3,688	3,688
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38

39 **FOR THE OFFICE OF FEDERAL GRANTS AND PROCUREMENT**

40 Total Operating Expense	95,039	95,039
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41

42 **G. OTHER**

43

44 **FOR THE COMMISSION ON UNIFORM STATE LAWS**

45 Total Operating Expense	43,584	43,584
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46

47 **FOR THE OFFICE OF INSPECTOR GENERAL**

48 Personal Services	1,212,488	1,212,488
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49 Other Operating Expense	229,383	229,383
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STATE ETHICS COMMISSION

Personal Services	2,668	2,668
Other Operating Expense	6,297	6,297

**FOR THE SECRETARY OF STATE
ELECTION DIVISION**

Personal Services	701,510	701,510
Other Operating Expense	196,242	196,242

VOTER LIST MAINTENANCE

Total Operating Expense	2,500,000	2,500,000
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The secretary of state shall use federal funding available for voter list maintenance before using the above appropriations.

H. COMMUNITY SERVICES

FOR THE GOVERNOR'S OFFICE OF FAITH BASED & COMMUNITY INITIATIVES

Personal Services	240,327	240,327
Other Operating Expense	50,225	50,225

SECTION 4. [EFFECTIVE JULY 1, 2009]

PUBLIC SAFETY

A. CORRECTION

FOR THE DEPARTMENT OF CORRECTION

CENTRAL OFFICE

Personal Services	9,376,633	9,376,633
Other Operating Expense	4,258,981	4,258,981

TECHNOLOGY UPGRADES AND IMPROVEMENTS

Correctional Facilities Calling System Fund (IC 5-22-23-7)

Other Operating Expense	1,900,000	1,900,000
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ESCAPEE COUNSEL AND TRIAL EXPENSE

Other Operating Expense	198,000	198,000
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COUNTY JAIL MISDEMEANANT HOUSING

Total Operating Expense	4,281,101	4,281,101
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ADULT CONTRACT BEDS

Total Operating Expense	2,831,443	2,831,443
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STAFF DEVELOPMENT AND TRAINING

Personal Services	1,084,457	1,084,457
Other Operating Expense	132,885	132,885

PAROLE DIVISION

Personal Services	8,337,627	8,337,627
Other Operating Expense	905,405	905,405

PAROLE BOARD

Personal Services	657,976	657,976
Other Operating Expense	23,741	23,741

INFORMATION MANAGEMENT SERVICES

Personal Services	1,048,752	1,048,752
Other Operating Expense	432,534	432,534

JUVENILE TRANSITION

Personal Services	662,692	662,692
Other Operating Expense	908,545	908,545

COMMUNITY CORRECTIONS PROGRAMS

Total Operating Expense		71,000,000
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The above appropriation for community corrections programs is not subject to transfer to any other fund or to transfer, assignment, or reassignment for any other use or purpose by the state board of finance notwithstanding IC 4-9.1-1-7 and IC 4-13-2-23 or by the budget agency notwithstanding IC 4-12-1-12 or any other law.

Notwithstanding IC 4-13-2-19 and any other law, the above appropriation for community corrections programs does not revert to the general fund or another fund at the close of a state fiscal year but remains available in subsequent state fiscal years for the purposes of the appropriation.

DRUG PREVENTION AND OFFENDER TRANSITION

Total Operating Expense	206,824	206,824
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The above appropriation shall be used for minimum security release programs, transition programs, mentoring programs, and supervision of and assistance to adult and juvenile offenders to promote the successful integration of the offender into the community.

CENTRAL EMERGENCY RESPONSE

Personal Services	1,159,005	1,159,005
Other Operating Expense	120,174	120,174

MEDICAL SERVICES

Other Operating Expense	76,130,153	86,032,783
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The above appropriations for medical services shall be used only for services that are determined to be medically necessary.

DRUG ABUSE PREVENTION

Corrections Drug Abuse Fund (IC 11-8-2-11)

Personal Services	740,000	740,000
Other Operating Expense	2,600	2,600

Augmentation allowed.

COUNTY JAIL MAINTENANCE CONTINGENCY FUND

Other Operating Expense	20,000,000	20,000,000
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Disbursements from the fund shall be made for the purpose of reimbursing sheriffs for the cost of incarcerating in county jails persons convicted of felonies to the extent that such persons are incarcerated for more than five (5) days after the day of sentencing, at the rate of \$35 per day. In addition to the per diem, the state shall reimburse the sheriffs for expenses determined by the sheriff to be medically necessary medical care to the convicted persons. However, if the sheriff or county

receives money with respect to a convicted person (from a source other than the county), the per diem or medical expense reimbursement with respect to the convicted person shall be reduced by the amount received. A sheriff shall not be required to comply with IC 35-38-3-4(a) or transport convicted persons within five (5) days after the day of sentencing if the department of correction does not have the capacity to receive the convicted person.

Augmentation allowed.

FOOD SERVICES

Total Operating Expense	36,652,458	40,281,856
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FOR THE STATE BUDGET AGENCY

MEDICAL SERVICE PAYMENTS

Total Operating Expense	25,000,000	25,000,000
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These appropriations for medical service payments are made to pay for services determined to be medically necessary for committed individuals, patients and students of institutions under the jurisdiction of the department of correction, the state department of health, the division of mental health and addiction, the school for the blind and visually impaired, the school for the deaf, the division of disability and rehabilitative services, or the division of aging if the services are provided outside these institutions. These appropriations may not be used for payments for medical services that are covered by IC 12-16 unless these services have been approved under IC 12-16. These appropriations shall not be used for payment for medical services which are payable from an appropriation in this act for the state department of health, the division of mental health and addiction, the school for the blind and visually impaired, the school for the deaf, the division of disability and rehabilitative services, the division of aging, or the department of correction, or that are reimbursable from funds for medical assistance under IC 12-15. If these appropriations are insufficient to make these medical service payments, there is hereby appropriated such further sums as may be necessary.

Direct disbursements from the above contingency fund are not subject to the provisions of IC 4-13-2.

FOR THE DEPARTMENT OF ADMINISTRATION

DEPARTMENT OF CORRECTION OMBUDSMAN BUREAU

Personal Services	134,554	134,554
Other Operating Expense	7,328	7,328

FOR THE DEPARTMENT OF CORRECTION

INDIANA STATE PRISON

Personal Services	32,867,370	32,867,370
Other Operating Expense	6,751,252	6,751,252

PENDLETON CORRECTIONAL FACILITY

Personal Services	27,299,395	27,299,395
Other Operating Expense	7,070,626	7,070,626

CORRECTIONAL INDUSTRIAL FACILITY

Personal Services	20,245,770	20,245,770
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		<i>FY 2009-2010 Appropriation</i>	<i>FY 2010-2011 Appropriation</i>	<i>Biennial Appropriation</i>
1	Other Operating Expense	997,243	997,243	
2	INDIANA WOMEN'S PRISON			
3	Personal Services	8,612,523	8,612,523	
4	Other Operating Expense	1,059,099	1,059,099	
5	PUTNAMVILLE CORRECTIONAL FACILITY			
6	Personal Services	30,333,741	30,333,741	
7	Other Operating Expense	4,329,691	4,329,691	
8	WABASH VALLEY CORRECTIONAL FACILITY			
9	Personal Services	35,452,554	36,957,852	
10	Other Operating Expense	5,409,888	5,810,040	
11	PLAINFIELD EDUCATION RE-ENTRY FACILITY			
12	Personal Services	7,055,354	7,055,354	
13	Other Operating Expense	3,235,412	3,235,412	
14	INDIANAPOLIS JUVENILE CORRECTIONAL FACILITY			
15	Personal Services	10,906,670	10,906,670	
16	Other Operating Expense	1,090,070	1,090,070	
17	BRANCHVILLE CORRECTIONAL FACILITY			
18	Personal Services	16,560,275	16,560,275	
19	Other Operating Expense	2,361,080	2,361,080	
20	WESTVILLE CORRECTIONAL FACILITY			
21	Personal Services	42,786,893	42,786,893	
22	Other Operating Expense	5,980,703	5,980,703	
23	ROCKVILLE CORRECTIONAL FACILITY FOR WOMEN			
24	Personal Services	14,998,655	14,998,655	
25	Other Operating Expense	1,927,015	1,927,015	
26	PLAINFIELD CORRECTIONAL FACILITY			
27	Personal Services	22,950,007	22,950,007	
28	Other Operating Expense	2,619,303	2,619,303	
29	RECEPTION AND DIAGNOSTIC CENTER			
30	Personal Services	11,799,385	11,799,385	
31	Other Operating Expense	695,865	695,865	
32	MIAMI CORRECTIONAL FACILITY			
33	Personal Services	28,891,409	30,302,909	
34	Other Operating Expense	5,231,704	5,595,103	
35	NEW CASTLE CORRECTIONAL FACILITY			
36	Other Operating Expense	31,587,079	32,328,736	
37	SOCIAL SERVICES BLOCK GRANT			
38	General Fund			
39	Total Operating Expense	5,029,318	5,029,318	
40	Work Release - Study Release Special Revenue Fund (IC 11-10-8-6.5)			
41	Total Operating Expense	1,328,704	1,328,704	
42	Augmentation allowed from Work Release - Study Release Special Revenue Fund			
43	and Social Services Block Grant.			
44	HENRYVILLE CORRECTIONAL FACILITY			
45	Personal Services	2,355,124	2,355,124	
46	Other Operating Expense	271,599	271,599	
47	CHAIN O' LAKES CORRECTIONAL FACILITY			
48	Personal Services	1,743,782	1,743,782	
49	Other Operating Expense	261,355	261,355	

MADISON CORRECTIONAL FACILITY

Personal Services	4,835,168	4,835,168
Other Operating Expense	962,558	962,558

EDINBURGH CORRECTIONAL FACILITY

Personal Services	3,614,415	3,614,415
Other Operating Expense	388,295	388,295

SOUTH BEND JUVENILE CORRECTIONAL FACILITY

Personal Services	4,739,483	4,739,483
Other Operating Expense	2,826,481	2,826,481

NORTH CENTRAL JUVENILE CORRECTIONAL FACILITY

Personal Services	9,213,446	9,213,446
Other Operating Expense	1,243,603	1,243,603

CAMP SUMMIT

Personal Services	2,258,110	2,258,110
Other Operating Expense	217,833	217,833

PENDLETON JUVENILE CORRECTIONAL FACILITY

Personal Services	15,807,771	15,807,771
Other Operating Expense	1,633,941	1,633,941

B. LAW ENFORCEMENT

FOR THE INDIANA STATE POLICE AND MOTOR CARRIER INSPECTION

From the General Fund

62,391,905 62,391,905

From the Motor Vehicle Highway Account (IC 8-14-1)

62,391,904 62,391,904

From the Motor Carrier Regulation Fund (IC 8-2.1-23)

4,391,978 4,391,978

Augmentation allowed from the general fund, the motor vehicle highway account, and the motor carrier regulation fund.

The amounts specified from the General Fund, the Motor Vehicle Highway Account, and the Motor Carrier Regulation Fund are for the following purposes:

Personal Services	115,028,075	115,028,075
Other Operating Expense	14,147,712	14,147,712

The above appropriations for personal services and other operating expense include funds to continue the state police minority recruiting program.

The foregoing appropriations for the Indiana state police and motor carrier inspection include funds for the police security detail to be provided to the Indiana state fair board. However, amounts actually expended to provide security for the Indiana state fair board as determined by the budget agency shall be reimbursed by the Indiana state fair board to the state general fund.

ODOMETER FRAUD INVESTIGATION

Motor Vehicle Odometer Fund (IC 9-29-1-5)

Total Operating Expense	25,000	25,000
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1	Total Operating Expense	1,713,151	1,713,151
2	Augmentation allowed.		

3

4 All benefits to members shall be paid by warrant drawn on the treasurer
5 of state by the auditor of state on the basis of claims filed and approved by the
6 trustees of the state police pension and benefit funds created by IC 10-12-2.

7

8 **SUPPLEMENTAL PENSION**

9 **General Fund**

10	Total Operating Expense	1,900,753	1,900,753
11	Augmentation allowed.		

12

13 **Motor Vehicle Highway Account (IC 8-14-1)**

14	Total Operating Expense	1,900,753	1,900,753
15	Augmentation allowed.		

16

17 If the above appropriations for supplemental pension for any one (1) year are greater
18 than the amount actually required under the provisions of IC 10-12-5, then the excess
19 shall be returned proportionately to the funds from which the appropriations were
20 made. If the amount actually required under IC 10-12-5 is greater than the above
21 appropriations, then, with the approval of the governor and the budget agency, those
22 sums may be augmented from the general fund and the motor vehicle highway account.

23

24 **ACCIDENT REPORTING**

25 **Accident Report Account (IC 9-29-11-1)**

26	Total Operating Expense	30,000	30,000
27	Augmentation allowed.		

28

28 **DRUG INTERDICTION**

29 **Drug Interdiction Fund (IC 10-11-7)**

30	Total Operating Expense	273,420	273,420
31	Augmentation allowed.		

32

32 **DNA SAMPLE PROCESSING FUND**

33 **DNA Sample Processing Fund (IC 10-13-6-9.5)**

34	Total Operating Expense	1,327,777	1,327,777
35	Augmentation allowed.		

36

37 **FOR THE INTEGRATED PUBLIC SAFETY COMMISSION**

38 **PROJECT SAFE-T**

39 **Integrated Public Safety Communications Fund (IC 5-26-4-1)**

40	Total Operating Expense	13,000,000	13,000,000
41	Augmentation allowed.		

42

43 **FOR THE ADJUTANT GENERAL**

44 **CAMP ATTERBURY MUSCATATUCK CENTER FOR COMPLEX OPERATIONS**

45	Personal Services	653,456	653,456
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46	Other Operating Expense	362,134	362,134
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47 **ADJUTANT GENERAL FEDERAL COOP AGREEMENT**

48	Total Operating Expense	9,653,699	9,653,699
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49 **BAER FIELD FEDERAL COOP AGREEMENT**

	<i>FY 2009-2010 Appropriation</i>	<i>FY 2010-2011 Appropriation</i>	<i>Biennial Appropriation</i>
1	Total Operating Expense	370,161	370,161
2	HULMAN FIELD FEDERAL COOP AGREEMENT		
3	Total Operating Expense	306,453	306,453
4	DISABLED SOLDIERS' PENSION		
5	Other Operating Expense	1	1
6	Augmentation allowed.		
7	MUTC - MUSCATATUCK URBAN TRAINING CENTER		
8	Total Operating Expense	1,386,906	1,386,906
9	HOOSIER YOUTH CHALLENGE ACADEMY		
10	Total Operating Expense	1,148,948	1,148,948
11	GOVERNOR'S CIVIL AND MILITARY CONTINGENCY FUND		
12	Total Operating Expense		288,672
13			
14	The above appropriations for the governor's civil and military contingency fund are		
15	made under IC 10-16-11-1.		
16			
17	FOR THE CRIMINAL JUSTICE INSTITUTE		
18	ADMINISTRATIVE MATCH		
19	Total Operating Expense	427,253	427,253
20	DRUG ENFORCEMENT MATCH		
21	Total Operating Expense	1,571,760	1,571,760
22	VICTIM AND WITNESS ASSISTANCE FUND		
23	Victim and Witness Assistance Fund (IC 5-2-6-14)		
24	Total Operating Expense	629,689	629,689
25	Augmentation allowed.		
26	ALCOHOL AND DRUG COUNTERMEASURES		
27	Alcohol and Drug Countermeasures Fund (IC 9-27-2-11)		
28	Total Operating Expense	348,211	348,211
29	Augmentation allowed.		
30	STATE DRUG FREE COMMUNITIES FUND		
31	State Drug Free Communities Fund (IC 5-2-10-2)		
32	Total Operating Expense	526,585	526,585
33	Augmentation allowed.		
34	INDIANA SAFE SCHOOLS		
35	General Fund		
36	Total Operating Expense	1,497,756	1,497,756
37	Indiana Safe Schools Fund (IC 5-2-10.1-2)		
38	Total Operating Expense	514,397	514,397
39	Augmentation allowed from Indiana Safe Schools Fund.		
40			
41	Of the above appropriations for the Indiana safe schools program, \$1,262,153 is appropriated		
42	annually to provide grants to school corporations for school safe haven programs,		
43	emergency preparedness programs, and school safety programs, and \$750,000 is appropriated		
44	annually for use in providing training to school safety specialists.		
45			
46	CHILD RESTRAINT SYSTEM FUND		
47	Total Operating Expense	100,000	100,000
48	COMMUNITY DRIVER TRAINING SCHOOLS & INSTRUCTION		
49	Motor Vehicle Highway Account (IC 8-14-1)		

1	Total Operating Expense	63,359	63,359
2	Augmentation allowed.		
3	OFFICE OF TRAFFIC SAFETY		
4	Motor Vehicle Highway Account (IC 8-14-1)		
5	Personal Services	575,778	575,778
6	Other Operating Expense	13,211,355	13,211,355
7	Augmentation allowed.		
8			
9	The above appropriation for the office of traffic safety is from the motor vehicle		
10	highway account and may be used to fund traffic safety projects that are included		
11	in a current highway safety plan approved by the governor and the budget agency.		
12	The department shall apply to the national highway traffic safety administration		
13	for reimbursement of all eligible project costs. Any federal reimbursement received		
14	by the department for the highway safety plan shall be deposited into the motor vehicle		
15	highway account.		
16			
17	PROJECT IMPACT		
18	Total Operating Expense	196,000	196,000
19			
20	SEXUAL ASSAULT VICTIMS' ASSISTANCE		
21	Sexual Assault Victims' Assistance Account (IC 5-2-6-23(h))		
22	Total Operating Expense	49,000	49,000
23			
24	Augmentation allowed. The full amount of the above appropriations shall be distributed		
25	to rape crisis centers in Indiana without any deduction of personal services or other		
26	operating expenses of any state agency.		
27			
28	VICTIMS OF VIOLENT CRIME ADMINISTRATION		
29	Violent Crime Victims Compensation Fund (IC 5-2-6.1-40)		
30	Personal Services	112,122	112,122
31	Other Operating Expense	2,407,402	2,407,402
32	Augmentation allowed.		
33			
34	FOR THE CORONERS' TRAINING BOARD		
35	Coroners' Training and Continuing Education Fund (IC 4-23-6.5-8)		
36	Total Operating Expense	361,229	361,229
37	Augmentation allowed.		
38			
39	FOR THE LAW ENFORCEMENT TRAINING ACADEMY		
40	From the General Fund		
41	2,190,933	2,190,933	
42	From the Law Enforcement Training Fund (IC 5-2-1-13(b))		
43	2,220,048	2,220,048	
44	Augmentation allowed from the Law Enforcement Training Fund.		
45			
46	The amounts specified from the General Fund and the Law Enforcement Training Fund		
47	are for the following purposes:		
48			
49	Personal Services	3,608,441	3,608,441

1	Other Operating Expense	802,540	802,540
2			
3	C. REGULATORY AND LICENSING		
4			
5	FOR THE BUREAU OF MOTOR VEHICLES		
6	Motor Vehicle Highway Account (IC 8-14-1)		
7	Personal Services	17,446,403	17,446,403
8	Other Operating Expense	13,493,000	13,493,000
9	Augmentation allowed.		
10	LICENSE PLATES		
11	Motor Vehicle Highway Account (IC 8-14-1)		
12	Total Operating Expense	5,600,000	5,600,000
13	Augmentation allowed.		
14	FINANCIAL RESPONSIBILITY COMPLIANCE VERIFICATION		
15	Financial Responsibility Compliance Verification Fund (IC 9-25-9-7)		
16	Total Operating Expense	6,571,932	6,571,932
17	Augmentation allowed.		
18	STATE MOTOR VEHICLE TECHNOLOGY		
19	State Motor Vehicle Technology Fund (IC 9-29-16-1)		
20	Total Operating Expense	5,261,692	5,261,692
21	Augmentation allowed.		
22			
23	FOR THE DEPARTMENT OF LABOR		
24	Personal Services	871,619	871,619
25	Other Operating Expense	141,615	141,615
26	BUREAU OF MINES AND MINING		
27	Personal Services	150,554	150,554
28	Other Operating Expense	20,104	20,104
29	M.I.S. RESEARCH AND STATISTICS		
30	Personal Services	207,354	207,354
31	Other Operating Expense	22,360	22,360
32	OCCUPATIONAL SAFETY AND HEALTH		
33	Personal Services	3,237,073	3,237,073
34	Other Operating Expense	568,548	568,548
35			
36	The above funds are appropriated to occupational safety and health		
37	and management information services research and statistics to provide the total		
38	program cost of the Indiana occupational safety and health plan as approved by the		
39	United States Department of Labor. Inasmuch as the state is eligible to receive		
40	from the federal government partial reimbursement of the state's total Indiana occupational		
41	safety and health plan program cost, it is the intention of the general assembly		
42	that the department of labor make application to the federal government for the federal		
43	share of the total program cost. Federal funds received shall be considered a reimbursement		
44	of state expenditures and as such shall be deposited into the state general fund.		
45			
46	EMPLOYMENT OF YOUTH		
47	Employment of Youth Fund (IC 20-33-3-42)		
48	Total Operating Expense	183,555	183,555
49	Augmentation allowed.		

1 **INSAFE**

2 **Special Fund for Safety and Health Consultation, Education, and**
3 **Training Services (IC 22-8-1.1-48)**

4 Personal Services	874,587	874,587
5 Other Operating Expense	217,752	217,752
6 Augmentation allowed.		

7

8 **Federal cost reimbursements for expenses attributable to INSafe appropriations shall be**
9 **deposited into the special fund for safety and health consultation, education, and**
10 **training services.**

11

12 **FOR THE DEPARTMENT OF INSURANCE**

13 **Department of Insurance Fund (IC 27-1-3-28)**

14 Personal Services	5,318,138	5,318,138
15 Other Operating Expense	1,195,519	1,195,519
16 Augmentation allowed.		

17 **BAIL BOND DIVISION**

18 **Bail Bond Enforcement and Administration Fund (IC 27-10-5-1)**

19 Personal Services	171,597	171,597
20 Other Operating Expense	8,832	8,832
21 Augmentation allowed.		

22 **PATIENTS' COMPENSATION AUTHORITY**

23 **Patients' Compensation Fund (IC 34-18-6-1)**

24 Personal Services	490,135	490,135
25 Other Operating Expense	1,346,870	1,346,870
26 Augmentation allowed.		

27 **POLITICAL SUBDIVISION RISK MANAGEMENT**

28 **Political Subdivision Risk Management Fund (IC 27-1-29-10)**

29 Personal Services	44,195	44,195
30 Other Operating Expense	782,960	782,960
31 Augmentation allowed.		

32 **MINE SUBSIDENCE INSURANCE**

33 **Mine Subsidence Insurance Fund (IC 27-7-9-7)**

34 Personal Services	62,116	62,116
35 Other Operating Expense	827,283	827,283
36 Augmentation allowed.		

37 **TITLE INSURANCE ENFORCEMENT OPERATING**

38 **Title Insurance Enforcement Fund (IC 27-7-3.6-1)**

39 Personal Services	288,370	288,370
40 Other Operating Expense	80,921	80,921
41 Augmentation allowed.		

42

43 **FOR THE ALCOHOL AND TOBACCO COMMISSION**

44 **Enforcement and Administration Fund (IC 7.1-4-10-1)**

45 Personal Services	8,612,469	8,612,469
46 Other Operating Expense	1,780,699	1,780,699
47 Augmentation allowed.		

48

49 **ALCOHOLIC BEVERAGE ENFORCEMENT OFFICERS' TRAINING**

1 **Alcoholic Beverage Commission Enforcement Officers' Training Fund (IC 5-2-8-8)**
2 **Total Operating Expense** **4,200** **4,200**
3 **Augmentation allowed.**

4 **YOUTH TOBACCO EDUCATION AND ENFORCEMENT**

5 **Richard D. Doyle Youth Tobacco Education and Enforcement Fund (IC 7.1-6-2-6)**
6 **Total Operating Expense** **25,000** **25,000**
7 **Augmentation allowed.**

8

9 **FOR THE DEPARTMENT OF FINANCIAL INSTITUTIONS**

10 **Financial Institutions Fund (IC 28-11-2-9)**
11 **Personal Services** **6,972,935** **6,972,935**
12 **Other Operating Expense** **1,518,119** **1,518,119**
13 **Augmentation allowed.**

14

15 **FOR THE PROFESSIONAL LICENSING AGENCY**

16 **Personal Services** **4,669,317** **4,669,317**
17 **Other Operating Expense** **867,325** **867,325**

18 **PRENEED CONSUMER PROTECTION**

19 **Preneed Consumer Protection Fund (IC 30-2-13-28)**
20 **Total Operating Expense** **72,750** **72,750**
21 **Augmentation allowed.**

22 **BOARD OF FUNERAL AND CEMETERY SERVICE**

23 **Funeral Service Education Fund (IC 25-15-9-13)**
24 **Total Operating Expense** **4,850** **4,850**
25 **Augmentation allowed.**

26

27 **FOR THE CIVIL RIGHTS COMMISSION**

28 **Personal Services** **1,916,298** **1,916,298**
29 **Other Operating Expense** **270,632** **270,632**

30

31 **It is the intention of the general assembly that the civil rights commission shall**
32 **apply to the federal government for funding based upon the processing of employment**
33 **and housing discrimination complaints by the civil rights commission. Such federal**
34 **funds received by the state shall be considered as a reimbursement of state expenditures**
35 **and shall be deposited into the state general fund.**

36

37 **MARTIN LUTHER KING JR. HOLIDAY COMMISSION**

38 **Total Operating Expense** **20,000** **20,000**

39

40 **FOR THE UTILITY CONSUMER COUNSELOR**

41 **Public Utility Fund (IC 8-1-6-1)**
42 **Personal Services** **4,485,790** **4,485,790**
43 **Other Operating Expense** **687,910** **687,910**
44 **Augmentation allowed.**

45

46 **EXPERT WITNESS FEES AND AUDIT**

47 **Public Utility Fund (IC 8-1-6-1)**
48 **Total Operating Expense** **1,503,500**
49 **Augmentation allowed.**

FOR THE UTILITY REGULATORY COMMISSION

Public Utility Fund (IC 8-1-6-1)

Personal Services	6,729,019	6,729,019
Other Operating Expense	1,917,752	1,917,752

Augmentation allowed.

FOR THE WORKERS' COMPENSATION BOARD

From the General Fund

1,918,782	1,918,782
------------------	------------------

From the Workers' Compensation Supplemental Administration Fund (IC 22-3-5-6)

145,007	145,007
----------------	----------------

Augmentation allowed.

The amounts specified from the general fund and the workers' compensation supplemental administrative fund are for the following purposes:

Personal Services	1,927,761	1,927,761
Other Operating Expense	136,028	136,028

FOR THE STATE BOARD OF ANIMAL HEALTH

Personal Services	4,021,557	4,021,557
Other Operating Expense	865,228	865,228

INDEMNITY FUND

Total Operating Expense		9,700
--------------------------------	--	--------------

Augmentation allowed.

MEAT & POULTRY INSPECTION

Total Operating Expense	1,884,049	1,884,049
--------------------------------	------------------	------------------

FOR THE DEPARTMENT OF HOMELAND SECURITY

FIRE AND BUILDING SERVICES

From the Fire and Building Services Fund (IC 22-12-6-1)

15,251,362	15,251,362
-------------------	-------------------

From the Medical Services Education Fund (IC 16-31-7-1)

23,437	23,437
---------------	---------------

Augmentation allowed from the fire and building services fund and medical services education fund.

The amounts specified from the fire and building services fund and medical services education fund are for the following purposes:

Personal Services	12,467,711	12,467,711
Other Operating Expense	2,807,088	2,807,088

REGIONAL PUBLIC SAFETY TRAINING

Regional Public Safety Training Fund (IC 10-15-3-12)

Total Operating Expense	1,902,047	1,902,047
--------------------------------	------------------	------------------

Augmentation allowed.

1 **EMERGENCY MANAGEMENT CONTINGENCY FUND**

2 **Total Operating Expense** **221,645** **221,645**

3

4 The above appropriations for the emergency management contingency fund are made under
5 IC 10-14-3-28.

6

7 **PUBLIC ASSISTANCE**

8 **Total Operating Expense** **1** **1**

9 **HOMELAND SECURITY FUND - FOUNDATION**

10 Homeland Security Fund - Foundation (IC 10-15-3-1)

11 **Total Operating Expense** **224,423** **224,423**

12 Augmentation allowed.

13 **INDIANA EMERGENCY RESPONSE COMMISSION**

14 Emergency Planning and Right to Know Fund (IC 6-6-10-5 & IC 6-6-10-7)

15 **Total Operating Expense** **40,962** **40,962**

16 Augmentation allowed.

17 **STATE DISASTER RELIEF FUND**

18 State Disaster Relief Fund (IC 10-14-4-5)

19 **Total Operating Expense** **500,000** **500,000**

20 Augmentation allowed, not to exceed revenues collected from the public safety fee
21 imposed by IC 22-11-14-12.

22

23 Augmentation allowed from the general fund to match federal disaster relief funds.

24

25 **REDUCED IGNITION PROPENSITY STANDARDS FOR CIGARETTES FUND**

26 Reduced Ignition Propensity Standards for Cigarettes Fund (IC 22-14-7-22(a))

27 **Total Operating Expense** **80,000** **80,000**

28 Augmentation allowed.

29 **INDIANA INTELLIGENCE FUSION CENTER**

30 **Total Operating Expense** **969,252** **969,252**

31 **STATEWIDE FIRE AND BUILDING SAFETY EDUCATION FUND**

32 Statewide Fire and Building Safety Education Fund (IC 22-12-6-3)

33 **Total Operating Expense** **117,162** **117,162**

34 Augmentation allowed.

35

36 **SECTION 5. [EFFECTIVE JULY 1, 2009]**

37

38 **CONSERVATION AND ENVIRONMENT**

39

40 **A. NATURAL RESOURCES**

41

42 **FOR THE DEPARTMENT OF NATURAL RESOURCES - ADMINISTRATION**

43 **Personal Services** **8,179,372** **8,179,372**

44 **Other Operating Expense** **1,358,733** **1,358,733**

45 **ENTOMOLOGY AND PLANT PATHOLOGY DIVISION**

46 **Personal Services** **588,850** **588,850**

47 **Other Operating Expense** **151,997** **151,997**

48 **ENTOMOLOGY AND PLANT PATHOLOGY FUND**

49 Entomology and Plant Pathology Fund (IC 14-24-10-3)

1	Total Operating Expense		662,868
2	Augmentation allowed.		
3	ENGINEERING DIVISION		
4	Personal Services	1,728,557	1,728,557
5	Other Operating Expense	99,232	99,232
6	STATE MUSEUM		
7	Personal Services	5,020,180	5,020,180
8	Other Operating Expense	1,251,406	1,251,406
9	HISTORIC PRESERVATION DIVISION		
10	Personal Services	755,246	755,246
11	Other Operating Expense	70,346	70,346
12	HISTORIC PRESERVATION - FEDERAL		
13	Total Operating Expense	32,559	32,559
14	STATE HISTORIC SITES		
15	Personal Services	2,400,530	2,400,530
16	Other Operating Expense	499,789	499,789
17			
18	From the above appropriations, \$75,000 in each state fiscal year shall be used for		
19	the Grissom Museum.		
20			
21	INDIANA FLOOD CONTROL SUMMIT		
22	Total Operating Expense	5,000	0
23			
24	The department of natural resources shall schedule, organize, and conduct an Indiana		
25	flood control summit for one (1) or more days in Indiana before November 1, 2009.		
26			
27	WABASH RIVER HERITAGE CORRIDOR		
28	Total Operating Expense	80,246	80,246
29	OUTDOOR RECREATION DIVISION		
30	Personal Services	615,004	615,004
31	Other Operating Expense	41,931	41,931
32	NATURE PRESERVES DIVISION		
33	Personal Services	923,068	923,068
34	Other Operating Expense	46,569	46,569
35	WATER DIVISION		
36	Personal Services	4,417,754	4,417,754
37	Other Operating Expense	405,079	405,079
38			
39	All revenues accruing from state and local units of government and from private utilities		
40	and industrial concerns as a result of water resources study projects, and as a result		
41	of topographic and other mapping projects, shall be deposited into the state general		
42	fund, and such receipts are hereby appropriated, in addition to the foregoing amounts,		
43	for water resources studies.		
44			
45	DEER RESEARCH AND MANAGEMENT		
46	Deer Research and Management Fund (IC 14-22-5-2)		
47	Total Operating Expense	189,160	189,160
48	Augmentation allowed.		
49	OIL AND GAS DIVISION		

1	Oil and Gas Fund (IC 6-8-1-27)		
2	Personal Services	1,300,410	1,300,410
3	Other Operating Expense	322,789	322,789
4	Augmentation allowed.		
5			
6	STATE PARKS AND RESERVOIRS		
7	From the General Fund		
8	11,343,213	11,343,213	
9	From the State Parks and Reservoirs Special Revenue Fund (IC 14-19-8-2)		
10	20,644,742	20,644,742	
11	Augmentation allowed from the State Parks and Reservoirs Special Revenue Fund.		

12
13 The amounts specified from the General Fund and the State Parks and Reservoirs
14 Special Revenue Fund are for the following purposes:

15			
16	Personal Services	23,781,129	23,781,129
17	Other Operating Expense	8,206,826	8,206,826
18			

19	OFF-ROAD VEHICLE AND SNOWMOBILE FUND		
20	Off-Road Vehicle and Snowmobile Fund (IC 14-16-1-30)		
21	Total Operating Expense	291,001	291,001
22	Augmentation allowed.		

23	LAW ENFORCEMENT DIVISION		
24	From the General Fund		
25	9,936,748	9,936,748	
26	From the Fish and Wildlife Fund (IC 14-22-3-2)		
27	13,381,894	13,381,894	
28	Augmentation allowed from the Fish and Wildlife Fund.		

29
30 The amounts specified from the General Fund and the Fish and Wildlife Fund are for
31 the following purposes:

32			
33	Personal Services	19,396,301	19,396,301
34	Other Operating Expense	3,922,341	3,922,341
35			

36	FISH AND WILDLIFE DIVISION		
37	Fish and Wildlife Fund (IC 14-22-3-2)		
38	Personal Services	13,124,471	13,124,471
39	Other Operating Expense	4,377,957	4,377,957

40 Augmentation allowed.

41	FORESTRY DIVISION		
42	From the General Fund		
43	4,494,586	4,494,586	
44	From the State Forestry Fund (IC 14-23-3-2)		
45	7,492,186	7,492,186	
46	Augmentation allowed from the State Forestry Fund.		

47
48 The amounts specified from the General Fund and the State Forestry Fund are
49 for the following purposes:

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Personal Services	7,796,996	7,796,996
Other Operating Expense	4,189,776	4,189,776

All money expended by the division of forestry of the department of natural resources for the detention and suppression of forest, grassland, and wasteland fires shall be through the enforcement division of the department, and the employment with such money of all personnel, with the exception of emergency labor, shall be in accordance with IC 14-9-8.

RECLAMATION DIVISION

Natural Resources Reclamation Division Fund (IC 14-34-14-2)

Personal Services	1,496,777	1,496,777
Other Operating Expense	393,565	393,565

Augmentation allowed.

In addition to any of the foregoing appropriations for the department of natural resources, any federal funds received by the state of Indiana for support of approved outdoor recreation projects for planning, acquisition, and development under the provisions of the federal Land and Water Conservation Fund Act, P.L.88-578, are appropriated for the uses and purposes for which the funds were paid to the state, and shall be distributed by the department of natural resources to state agencies and other governmental units in accordance with the provisions under which the funds were received.

LAKE MICHIGAN COASTAL PROGRAM

Cigarette Tax Fund (IC 6-7-1-29.1)

Total Operating Expense	142,283	142,283
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Augmentation allowed.

LAKE AND RIVER ENHANCEMENT

Lake and River Enhancement Fund (IC 6-6-11-12.5)

Total Operating Expense		4,603,882
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Augmentation allowed.

CONSERVATION OFFICERS' MARINE ENFORCEMENT FUND

Lake and River Enhancement Fund (IC 6-6-11-12.5)

Total Operating Expense	795,400	795,400
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Augmentation allowed.

HERITAGE TRUST

Build Indiana Fund (IC 4-30-17)

Total Operating Expense	1,000,000	1,000,000
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B. OTHER NATURAL RESOURCES

FOR THE WORLD WAR MEMORIAL COMMISSION

Personal Services	735,437	735,437
Other Operating Expense	302,381	302,381

All revenues received as rent for space in the buildings located at 777 North Meridian Street and 700 North Pennsylvania Street, in the city of Indianapolis, that exceed the costs of operation and maintenance of the space rented, shall be paid into the

general fund. The American Legion shall provide for the complete maintenance of the interior of these buildings.

FOR THE WHITE RIVER PARK COMMISSION

Total Operating Expense	998,999	998,999
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FOR THE MAUMEE RIVER BASIN COMMISSION

Total Operating Expense	67,658	67,658
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FOR THE ST. JOSEPH RIVER BASIN COMMISSION

Total Operating Expense	58,751	58,751
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FOR THE KANKAKEE RIVER BASIN COMMISSION

Total Operating Expense	67,658	67,658
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C. ENVIRONMENTAL MANAGEMENT

**FOR THE DEPARTMENT OF ENVIRONMENTAL MANAGEMENT
ADMINISTRATION**

From the General Fund

3,363,457	3,363,457
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From the State Solid Waste Management Fund (IC 13-20-22-2)

66,480	66,480
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From the Indiana Recycling Promotion and Assistance Fund (IC 4-23-5.5-14)

57,475	57,475
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From the Waste Tire Management Fund (IC 13-20-13-8)

101,519	101,519
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From the Title V Operating Permit Program Trust Fund (IC 13-17-8-1)

639,953	639,953
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From the Environmental Management Permit Operation Fund (IC 13-15-11-1)

608,752	608,752
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From the Environmental Management Special Fund (IC 13-14-12-1)

88,128	88,128
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From the Hazardous Substances Response Trust Fund (IC 13-25-4-1)

179,093	179,093
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From the Asbestos Trust Fund (IC 13-17-6-3)

23,089	23,089
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From the Underground Petroleum Storage Tank Trust Fund (IC 13-23-6-1)

51,616	51,616
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From the Underground Petroleum Storage Tank Excess Liability Trust Fund (IC 13-23-7-1)

1,761,099	1,761,099
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Augmentation allowed from the State Solid Waste Management Fund, Indiana Recycling Promotion and Assistance Fund, Waste Tire Management Fund, Title V Operating Permit Program Trust Fund, Environmental Management Permit Operation Fund, Environmental Management Special Fund, Hazardous Substances Response Trust Fund, Asbestos Trust Fund, Underground Petroleum Storage Tank Trust Fund, and Underground Petroleum Storage Tank Excess Liability Trust Fund.

The amounts specified from the General Fund, State Solid Waste Management Fund, Indiana Recycling Promotion and Assistance Fund, Waste Tire Management Fund, Title V Operating Permit Program Trust Fund, Environmental Management Permit Operation Fund, Environmental Management Special Fund, Hazardous Substances Response Trust Fund, Asbestos Trust Fund, Underground Petroleum Storage Tank Trust Fund, and Underground Petroleum Storage Tank Excess Liability Trust Fund are for the following purposes:

Personal Services	5,241,508	5,241,508
Other Operating Expense	1,699,153	1,699,153

LABORATORY CONTRACTS

Environmental Management Special Fund (IC 13-14-12-1)

Total Operating Expense	461,424	461,424
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Augmentation allowed.

Hazardous Substances Response Trust Fund (IC 13-25-4-1)

Total Operating Expense	200,747	200,747
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Augmentation allowed.

OWQ LABORATORY CONTRACTS

Environmental Management Special Fund (IC 13-14-12-1)

Total Operating Expense	340,470	340,470
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Augmentation allowed.

Hazardous Substances Response Trust Fund (IC 13-25-4-1)

Total Operating Expense	794,430	794,430
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Augmentation allowed.

NORTHWEST REGIONAL OFFICE

From the General Fund

308,229	308,229
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From the State Solid Waste Management Fund (IC 13-20-22-2)

6,760	6,760
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From the Indiana Recycling Promotion and Assistance Fund (IC 4-23-5.5-14)

5,844	5,844
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From the Waste Tire Management Fund (IC 13-20-13-8)

12,094	12,094
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From the Title V Operating Permit Program Trust Fund (IC 13-17-8-1)

143,845	143,845
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From the Environmental Management Permit Operation Fund (IC 13-15-11-1)

69,339	69,339
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From the Environmental Management Special Fund (IC 13-14-12-1)

10,760	10,760
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From the Hazardous Substances Response Trust Fund (IC 13-25-4-1)

23,294	23,294
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From the Asbestos Trust Fund (IC 13-17-6-3)

5,190	5,190
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From the Underground Petroleum Storage Tank Trust Fund (IC 13-23-6-1)

7,396	7,396
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Augmentation allowed from the State Solid Waste Management Fund, Indiana

1 **Recycling Promotion and Assistance Fund, Waste Tire Management Fund, Title**
2 **V Operating Permit Program Trust Fund, Environmental Management Permit**
3 **Operation Fund, Environmental Management Special Fund, Hazardous Substances**
4 **Response Trust Fund, Asbestos Trust Fund, and Underground Petroleum Storage**
5 **Tank Trust Fund.**

6
7 **The amounts specified from the General Fund, State Solid Waste Management**
8 **Fund, Indiana Recycling Promotion and Assistance Fund, Waste Tire Management**
9 **Fund, Title V Operating Permit Program Trust Fund, Environmental Management**
10 **Permit Operation Fund, Environmental Management Special Fund, Hazardous**
11 **Substances Response Trust Fund, Asbestos Trust Fund, and Underground**
12 **Petroleum Storage Tank Trust Fund are for the following purposes:**

13			
14	Personal Services	255,609	255,609
15	Other Operating Expense	337,142	337,142
16			

17 **NORTHERN REGIONAL OFFICE**

18	From the General Fund		
19		190,702	190,702
20	From the State Solid Waste Management Fund (IC 13-20-22-2)		
21		8,067	8,067
22	From the Indiana Recycling Promotion and Assistance Fund (IC 4-23-5.5-14)		
23		6,972	6,972
24	From the Waste Tire Management Fund (IC 13-20-13-8)		
25		12,143	12,143
26	From the Title V Operating Permit Program Trust Fund (IC 13-17-8-1)		
27		118,951	118,951
28	From the Environmental Management Permit Operation Fund (IC 13-15-11-1)		
29		74,143	74,143
30	From the Environmental Management Special Fund (IC 13-14-12-1)		
31		11,395	11,395
32	From the Hazardous Substances Response Trust Fund (IC 13-25-4-1)		
33		21,336	21,336
34	From the Asbestos Trust Fund (IC 13-17-6-3)		
35		4,290	4,290
36	From the Underground Petroleum Storage Tank Trust Fund (IC 13-23-6-1)		
37		6,050	6,050
38	Augmentation allowed from the State Solid Waste Management Fund, Indiana		
39	Recycling Promotion and Assistance Fund, Waste Tire Management Fund, Title		
40	V Operating Permit Program Trust Fund, Environmental Management Permit		
41	Operation Fund, Environmental Management Special Fund, Hazardous Substances		
42	Response Trust Fund, Asbestos Trust Fund, and Underground Petroleum Storage		
43	Tank Trust Fund.		
44			

45 **The amounts specified from the General Fund, State Solid Waste Management Fund,**
46 **Indiana Recycling Promotion and Assistance Fund, Waste Tire Management Fund,**
47 **Title V Operating Permit Program Trust Fund, Environmental Management Permit**
48 **Operation Fund, Environmental Management Special Fund, Hazardous Substances**
49 **Response Trust Fund, Asbestos Trust Fund, and Underground Petroleum Storage**

Tank Trust Fund are for the following purposes:

Personal Services	204,566	204,566
Other Operating Expense	249,483	249,483

SOUTHWEST REGIONAL OFFICE

From the General Fund

152,909	152,909
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From the State Solid Waste Management Fund (IC 13-20-22-2)

16,615	16,615
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From the Indiana Recycling Promotion and Assistance Fund (IC 4-23-5.5-14)

14,363	14,363
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From the Waste Tire Management Fund (IC 13-20-13-8)

20,150	20,150
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From the Title V Operating Permit Program Trust Fund (IC 13-17-8-1)

69,085	69,085
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From the Environmental Management Permit Operation Fund (IC 13-15-11-1)

65,400	65,400
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From the Environmental Management Special Fund (IC 13-14-12-1)

11,913	11,913
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From the Hazardous Substances Response Trust Fund (IC 13-25-4-1)

22,794	22,794
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From the Asbestos Trust Fund (IC 13-17-6-3)

2,490	2,490
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From the Underground Petroleum Storage Tank Trust Fund (IC 13-23-6-1)

6,564	6,564
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Augmentation allowed from the State Solid Waste Management Fund, Indiana Recycling Promotion and Assistance Fund, Waste Tire Management Fund, Title V Operating Permit Program Trust Fund, Environmental Management Permit Operation Fund, Environmental Management Special Fund, Hazardous Substances Response Trust Fund, Asbestos Trust Fund, and Underground Petroleum Storage Tank Trust Fund.

The amounts specified from the General Fund, State Solid Waste Management Fund, Indiana Recycling Promotion and Assistance Fund, Waste Tire Management Fund, Title V Operating Permit Program Trust Fund, Environmental Management Permit Operation Fund, Environmental Management Special Fund, Hazardous Substances Response Trust Fund, Asbestos Trust Fund, and Underground Petroleum Storage Tank Trust Fund are for the following purposes:

Personal Services	200,171	200,171
Other Operating Expense	182,112	182,112

LEGAL AFFAIRS

From the General Fund

493,113	493,113
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From the Waste Tire Management Fund (IC 13-20-13-8)

8,168	8,168
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From the Title V Operating Permit Program Trust Fund (IC 13-17-8-1)

1	217,015	217,015
2	From the Environmental Management Permit Operation Fund (IC 13-15-11-1)	
3	159,037	159,037
4	From the Environmental Management Special Fund (IC 13-14-12-1)	
5	19,518	19,518
6	From the Hazardous Substances Response Trust Fund (IC 13-25-4-1)	
7	36,872	36,872
8	From the Asbestos Trust Fund (IC 13-17-6-3)	
9	7,829	7,829
10	From the Underground Petroleum Storage Tank Trust Fund (IC 13-23-6-1)	
11	9,907	9,907
12	From the Underground Petroleum Storage Tank Excess Liability Trust Fund (IC 13-23-7-1)	
13	337,980	337,980
14	Augmentation allowed from the Waste Tire Management Fund, Title V Operating	
15	Permit Program Trust Fund, Environmental Management Permit Operation Fund,	
16	Environmental Management Special Fund, Hazardous Substances Response Trust	
17	Fund, Asbestos Trust Fund, Underground Petroleum Storage Tank Trust Fund,	
18	and Underground Petroleum Storage Tank Excess Liability Trust Fund.	

The amounts specified from the General Fund, Waste Tire Management Fund, Title V Operating Permit Program Trust Fund, Environmental Management Permit Operation Fund, Environmental Management Special Fund, Hazardous Substances Response Trust Fund, Asbestos Trust Fund, Underground Petroleum Storage Tank Trust Fund, and Underground Petroleum Storage Tank Excess Liability Trust Fund are for the following purposes:

27	Personal Services	1,173,821	1,173,821
28	Other Operating Expense	115,618	115,618

ENFORCEMENT

31	From the General Fund	
32	199,909	199,909
33	From the Waste Tire Management Fund (IC 13-20-13-8)	
34	14,231	14,231
35	From the Title V Operating Permit Program Trust Fund (IC 13-17-8-1)	
36	55,898	55,898
37	From the Environmental Management Special Fund (IC 13-14-12-1)	
38	15,847	15,847
39	From the Hazardous Substances Response Trust Fund (IC 13-25-4-1)	
40	51,200	51,200
41	From the Asbestos Trust Fund (IC 13-17-6-3)	
42	2,016	2,016
43	From the Underground Petroleum Storage Tank Trust Fund (IC 13-23-6-1)	
44	17,255	17,255
45	Augmentation allowed from the Waste Tire Management Fund, Title V Operating	
46	Permit Program Trust Fund, Environmental Management Special Fund, Hazardous	
47	Substances Response Trust Fund, Asbestos Trust Fund, and Underground Petroleum	
48	Storage Tank Trust Fund.	

The amounts specified from the General Fund, Waste Tire Management Fund, Title V Operating Permit Program Trust Fund, Environmental Management Special Fund, Hazardous Substances Response Trust Fund, Asbestos Trust Fund, and Underground Petroleum Storage Tank Trust Fund are for the following purposes:

Personal Services	289,276	289,276
Other Operating Expense	67,080	67,080

INVESTIGATIONS

From the General Fund

173,097	173,097
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From the State Solid Waste Management Fund (IC 13-20-22-2)

6,622	6,622
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From the Indiana Recycling Promotion and Assistance Fund (IC 4-23-5.5-14)

5,725	5,725
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From the Waste Tire Management Fund (IC 13-20-13-8)

15,565	15,565
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From the Title V Operating Permit Program Trust Fund (IC 13-17-8-1)

57,883	57,883
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From the Environmental Management Permit Operation Fund (IC 13-15-11-1)

83,397	83,397
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From the Environmental Management Special Fund (IC 13-14-12-1)

10,405	10,405
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From the Hazardous Substances Response Trust Fund (IC 13-25-4-1)

33,468	33,468
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From the Asbestos Trust Fund (IC 13-17-6-3)

2,088	2,088
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From the Underground Petroleum Storage Tank Trust Fund (IC 13-23-6-1)

11,753	11,753
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Augmentation allowed from the State Solid Waste Management Fund, Indiana Recycling Promotion and Assistance Fund, Waste Tire Management Fund, Title V Operating Permit Program Trust Fund, Environmental Management Permit Operation Fund, Environmental Management Special Fund, Hazardous Substances Response Trust Fund, Asbestos Trust Fund, and Underground Petroleum Storage Tank Trust Fund.

The amounts specified from the General Fund, State Solid Waste Management Fund, Indiana Recycling Promotion and Assistance Fund, Waste Tire Management Fund, Title V Operating Permit Program Trust Fund, Environmental Management Permit Operation Fund, Environmental Management Special Fund, Hazardous Substances Response Trust Fund, Asbestos Trust Fund, and Underground Petroleum Storage Tank Trust Fund are for the following purposes:

Personal Services	330,556	330,556
Other Operating Expense	69,447	69,447

MEDIA AND COMMUNICATIONS

From the General Fund

417,794	417,794
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From the State Solid Waste Management Fund (IC 13-20-22-2)

1	8,437	8,437	
2	From the Indiana Recycling Promotion and Assistance Fund (IC 4-23-5.5-14)		
3	7,294	7,294	
4	From the Waste Tire Management Fund (IC 13-20-13-8)		
5	12,595	12,595	
6	From the Title V Operating Permit Program Trust Fund (IC 13-17-8-1)		
7	73,727	73,727	
8	From the Environmental Management Permit Operation Fund (IC 13-15-11-1)		
9	64,768	64,768	
10	From the Environmental Management Special Fund (IC 13-14-12-1)		
11	9,757	9,757	
12	From the Hazardous Substances Response Trust Fund (IC 13-25-4-1)		
13	20,693	20,693	
14	From the Asbestos Trust Fund (IC 13-17-6-3)		
15	2,657	2,657	
16	From the Underground Petroleum Storage Tank Trust Fund (IC 13-23-6-1)		
17	6,208	6,208	
18	From the Underground Petroleum Storage Tank Excess Liability Trust Fund (IC 13-23-7-1)		
19	211,660	211,660	
20	Augmentation allowed from the State Solid Waste Management Fund, Indiana		
21	Recycling Promotion and Assistance Fund, Waste Tire Management Fund, Title V		
22	Operating Permit Program Trust Fund, Environmental Management Permit Operation		
23	Fund, Environmental Management Special Fund, Hazardous Substances Response		
24	Trust Fund, Asbestos Trust Fund, Underground Petroleum Storage Tank Trust		
25	Fund, and Underground Petroleum Storage Tank Excess Liability Trust Fund.		
26			
27	The amounts specified from the General Fund, State Solid Waste Management Fund,		
28	Indiana Recycling Promotion and Assistance Fund, Waste Tire Management Fund,		
29	Title V Operating Permit Program Trust Fund, Environmental Management Permit		
30	Operation Fund, Environmental Management Special Fund, Hazardous Substances		
31	Response Trust Fund, Asbestos Trust Fund, Underground Petroleum Storage Tank		
32	Trust Fund, and Underground Petroleum Storage Tank Excess Liability Trust Fund,		
33	are for the following purposes:		
34			
35	Personal Services	780,640	780,640
36	Other Operating Expense	54,950	54,950
37			
38	COMMUNITY RELATIONS		
39	From the General Fund		
40	480,081	480,081	
41	From the State Solid Waste Management Fund (IC 13-20-22-2)		
42	13,954	13,954	
43	From the Indiana Recycling Promotion and Assistance Fund (IC 4-23-5.5-14)		
44	12,061	12,061	
45	From the Waste Tire Management Fund (IC 13-20-13-8)		
46	20,830	20,830	
47	From the Title V Operating Permit Program Trust Fund (IC 13-17-8-1)		
48	121,916	121,916	
49	From the Environmental Management Permit Operation Fund (IC 13-15-11-1)		

1	107,104	107,104
2	From the Environmental Management Special Fund (IC 13-14-12-1)	
3	16,124	16,124
4	From the Hazardous Substances Response Trust Fund (IC 13-25-4-1)	
5	34,215	34,215
6	From the Asbestos Trust Fund (IC 13-17-6-3)	
7	4,398	4,398
8	From the Underground Petroleum Storage Tank Trust Fund (IC 13-23-6-1)	
9	10,260	10,260
10	From the Underground Petroleum Storage Tank Excess Liability Trust Fund (IC 13-23-7-1)	
11	349,996	349,996
12	Augmentation allowed from the State Solid Waste Management Fund, Indiana	
13	Recycling Promotion and Assistance Fund, Waste Tire Management Fund, Title V	
14	Operating Permit Program Trust Fund, Environmental Management Permit Operation	
15	Fund, Environmental Management Special Fund, Hazardous Substances Response	
16	Trust Fund, Asbestos Trust Fund, Underground Petroleum Storage Tank Trust	
17	Fund, and Underground Petroleum Storage Tank Excess Liability Trust Fund.	

The amounts specified from the General Fund, State Solid Waste Management Fund, Indiana Recycling Promotion and Assistance Fund, Waste Tire Management Fund, Title V Operating Permit Program Trust Fund, Environmental Management Permit Operation Fund, Environmental Management Special Fund, Hazardous Substances Response Trust Fund, Asbestos Trust Fund, Underground Petroleum Storage Tank Trust Fund, and Underground Petroleum Storage Tank Excess Liability Trust Fund are for the following purposes:

27	Personal Services	1,080,148	1,080,148
28	Other Operating Expense	90,791	90,791

OHIO RIVER VALLEY WATER SANITATION COMMISSION

31	Environmental Management Special Fund (IC 13-14-12-1)		
32	Total Operating Expense	270,242	270,242
33	Augmentation allowed.		

OFFICE OF ENVIRONMENTAL RESPONSE

35	Personal Services	3,000,468	3,000,468
36	Other Operating Expense	319,013	319,013

POLLUTION PREVENTION AND TECHNICAL ASSISTANCE

38	Personal Services	1,456,036	1,456,036
39	Other Operating Expense	437,489	437,489

PCB INSPECTIONS

41	Environmental Management Permit Operation Fund (IC 13-15-11-1)		
42	Total Operating Expense	30,562	30,562
43	Augmentation allowed.		

U.S. GEOLOGICAL SURVEY CONTRACTS

45	Environmental Management Special Fund (IC 13-14-12-1)		
46	Total Operating Expense	64,398	64,398
47	Augmentation allowed.		

STATE SOLID WASTE GRANTS MANAGEMENT

49	State Solid Waste Management Fund (IC 13-20-22-2)		
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		<i>FY 2009-2010</i>	<i>FY 2010-2011</i>	<i>Biennial</i>
		<i>Appropriation</i>	<i>Appropriation</i>	<i>Appropriation</i>
1	Personal Services	391,814	391,814	
2	Other Operating Expense	337,443	337,443	
3	Augmentation allowed.			
4	RECYCLING OPERATING			
5	Indiana Recycling Promotion and Assistance Fund (IC 4-23-5.5-14)			
6	Personal Services	325,931	325,931	
7	Other Operating Expense	312,525	312,525	
8	Augmentation allowed.			
9	RECYCLING PROMOTION AND ASSISTANCE PROGRAM			
10	Indiana Recycling Promotion and Assistance Fund (IC 4-23-5.5-14)			
11	Total Operating Expense	770,000	770,000	
12	Augmentation allowed.			
13	VOLUNTARY CLEAN-UP PROGRAM			
14	Voluntary Remediation Fund (IC 13-25-5-21)			
15	Personal Services	739,322	739,322	
16	Other Operating Expense	179,935	179,935	
17	Augmentation allowed.			
18	TITLE V AIR PERMIT PROGRAM			
19	Title V Operating Permit Program Trust Fund (IC 13-17-8-1)			
20	Personal Services	12,041,882	12,041,882	
21	Other Operating Expense	2,798,196	2,798,196	
22	Augmentation allowed.			
23	WATER MANAGEMENT PERMITTING			
24	From the General Fund			
25	1,923,612 1,923,612			
26	From the Environmental Management Permit Operation Fund (IC 13-15-11-1)			
27	4,867,843 4,867,843			
28	Augmentation allowed from the Environmental Management Permit Operation Fund.			
29				
30	The amounts specified from the General Fund and the Environmental Management Permit			
31	Operation Fund are for the following purposes:			
32				
33	Personal Services	6,136,065	6,136,065	
34	Other Operating Expense	655,390	655,390	
35				
36	SOLID WASTE MANAGEMENT PERMITTING			
37	From the General Fund			
38	2,221,388 2,221,388			
39	From the Environmental Management Permit Operation Fund (IC 13-15-11-1)			
40	3,409,461 3,409,461			
41	Augmentation allowed from the Environmental Management Permit Operation Fund.			
42				
43	The amounts specified from the General Fund and the Environmental Management Permit			
44	Operation Fund are for the following purposes:			
45				
46	Personal Services	5,310,601	5,310,601	
47	Other Operating Expense	320,248	320,248	
48				
49	CFO/CAFO INSPECTIONS			

1	Total Operating Expense	450,000	450,000
2			
3	HAZARDOUS WASTE MANAGEMENT PERMITTING		
4	From the General Fund		
5	2,319,283	2,319,283	
6	From the Environmental Management Permit Operation Fund (IC 13-15-11-1)		
7	2,762,897	2,762,897	
8	Augmentation allowed from the Environmental Management Permit Operation Fund.		
9			
10	The amounts specified from the General Fund and the Environmental Management Permit		
11	Operation Fund are for the following purposes:		
12			
13	Personal Services	4,156,730	4,156,730
14	Other Operating Expense	925,450	925,450
15			
16	SAFE DRINKING WATER PROGRAM		
17	From the General Fund		
18	371,290	371,290	
19	From the Environmental Management Permit Operation Fund (IC 13-15-11-1)		
20	2,421,272	2,421,272	
21	Augmentation allowed from the Environmental Management Permit Operation Fund.		
22			
23	The amounts specified from the General Fund and the Environmental Management Permit		
24	Operation Fund are for the following purposes:		
25			
26	Personal Services	2,301,996	2,301,996
27	Other Operating Expense	490,566	490,566
28			
29	CLEAN VESSEL PUMPOUT		
30	Environmental Management Special Fund (IC 13-14-12-1)		
31	Total Operating Expense	77,588	77,588
32	Augmentation allowed.		
33	GROUNDWATER PROGRAM		
34	Environmental Management Special Fund (IC 13-14-12-1)		
35	Total Operating Expense	122,150	122,150
36	Augmentation allowed.		
37	UNDERGROUND STORAGE TANK PROGRAM		
38	Underground Petroleum Storage Tank Trust Fund (IC 13-23-6-1)		
39	Total Operating Expense	656,973	656,973
40	Augmentation allowed.		
41	Underground Petroleum Storage Tank Excess Liability Trust Fund (IC 13-23-7-1)		
42	Total Operating Expense	282,669	282,669
43	Augmentation allowed.		
44	AIR MANAGEMENT OPERATING		
45	From the General Fund		
46	620,477	620,477	
47	From the Environmental Management Special Fund (IC 13-14-12-1)		
48	248,424	248,424	
49	Augmentation allowed from the Environmental Management Special Fund.		

The amounts specified from the General Fund and the Environmental Management Special Fund are for the following purposes:

Personal Services	518,018	518,018
Other Operating Expense	350,883	350,883
WATER MANAGEMENT NONPERMITTING		
Personal Services	3,291,009	3,291,009
Other Operating Expense	719,538	719,538
GREAT LAKES INITIATIVE		
Environmental Management Special Fund (IC 13-14-12-1)		
Total Operating Expense	57,207	57,207
Augmentation allowed.		
OUTREACH OPERATOR TRAINING		
General Fund		
Total Operating Expense	2,963	2,963
Environmental Management Special Fund (IC 13-14-12-1)		
Total Operating Expense	5,924	5,924
Augmentation allowed.		
LEAKING UNDERGROUND STORAGE TANKS		
Underground Petroleum Storage Tank Trust Fund (IC 13-23-6-1)		
Personal Services	161,311	161,311
Other Operating Expense	31,718	31,718
Augmentation allowed.		
CORE SUPERFUND		
Hazardous Substances Response Trust Fund (IC 13-25-4-1)		
Total Operating Expense	12,967	12,967
Augmentation allowed.		
AUTO EMISSIONS TESTING PROGRAM		
Personal Services	86,983	86,983
Other Operating Expense	5,672,829	5,672,829

The above appropriations for auto emissions testing are the maximum amounts available for this purpose. If it becomes necessary to conduct additional tests in other locations, the above appropriations shall be prorated among all locations.

HAZARDOUS WASTE SITE - STATE CLEAN-UP		
Hazardous Substances Response Trust Fund (IC 13-25-4-1)		
Personal Services	1,425,495	1,425,495
Other Operating Expense	515,152	515,152
Augmentation allowed.		
HAZARDOUS WASTE SITES - NATURAL RESOURCE DAMAGES		
Hazardous Substances Response Trust Fund (IC 13-25-4-1)		
Personal Services	141,408	141,408
Other Operating Expense	289,544	289,544
Augmentation allowed.		
SUPERFUND MATCH		
Hazardous Substances Response Trust Fund (IC 13-25-4-1)		

	<i>FY 2009-2010</i>	<i>FY 2010-2011</i>	<i>Biennial</i>
	<i>Appropriation</i>	<i>Appropriation</i>	<i>Appropriation</i>
1	Total Operating Expense	511,675	511,675
2	Augmentation allowed.		
3	HOUSEHOLD HAZARDOUS WASTE		
4	Hazardous Substances Response Trust Fund (IC 13-25-4-1)		
5	Other Operating Expense	278,293	278,293
6	Augmentation allowed.		
7	ASBESTOS TRUST - OPERATING		
8	Asbestos Trust Fund (IC 13-17-6-3)		
9	Personal Services	415,391	415,391
10	Other Operating Expense	132,292	132,292
11	Augmentation allowed.		
12	UNDERGROUND PETROLEUM STORAGE TANK - OPERATING		
13	Underground Petroleum Storage Tank Excess Liability Trust Fund (IC 13-23-7-1)		
14	Personal Services	874,215	874,215
15	Other Operating Expense	42,446,857	42,446,857
16	Augmentation allowed.		
17	WASTE TIRE MANAGEMENT		
18	Waste Tire Management Fund (IC 13-20-13-8)		
19	Total Operating Expense	563,887	563,887
20	Augmentation allowed.		
21	WASTE TIRE RE-USE		
22	Waste Tire Management Fund (IC 13-20-13-8)		
23	Total Operating Expense	907,796	907,796
24	Augmentation allowed.		
25	VOLUNTARY COMPLIANCE		
26	Environmental Management Special Fund (IC 13-14-12-1)		
27	Personal Services	293,070	293,070
28	Other Operating Expense	170,394	170,394
29	Augmentation allowed.		
30	ENVIRONMENTAL MANAGEMENT SPECIAL FUND - OPERATING		
31	Environmental Management Special Fund (IC 13-14-12-1)		
32	Total Operating Expense	961,315	961,315
33	Augmentation allowed.		
34	SMALL TOWN COMPLIANCE		
35	Environmental Management Special Fund (IC 13-14-12-1)		
36	Total Operating Expense	58,200	58,200
37	Augmentation allowed.		
38	WETLANDS PROTECTION		
39	Environmental Management Special Fund (IC 13-14-12-1)		
40	Total Operating Expense	22,148	22,148
41	Augmentation allowed.		
42	PETROLEUM TRUST - OPERATING		
43	Underground Petroleum Storage Tank Trust Fund (IC 13-23-6-1)		
44	Personal Services	121,790	121,790
45	Other Operating Expense	350,689	350,689
46	Augmentation allowed.		
47			
48	Notwithstanding any other law, with the approval of the governor and the budget agency,		
49	the above appropriations for hazardous waste management permitting, wetlands		

protection, groundwater program, underground storage tank program, air management operating, asbestos trust operating, water management nonpermitting, safe drinking water program, and any other appropriation eligible to be included in a performance partnership grant may be used to fund activities incorporated into a performance partnership grant between the United States Environmental Protection Agency and the department of environmental management.

FOR THE OFFICE OF ENVIRONMENTAL ADJUDICATION

Personal Services	308,690	308,690
Other Operating Expense	59,560	59,560

SECTION 6. [EFFECTIVE JULY 1, 2009]

ECONOMIC DEVELOPMENT

A. AGRICULTURE

FOR THE DEPARTMENT OF AGRICULTURE

Personal Services	1,930,284	1,930,284
Other Operating Expense	456,387	456,387

DISTRIBUTIONS TO FOOD BANKS

Total Operating Expense	300,000	300,000
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CLEAN WATER INDIANA

Build Indiana Fund (IC 4-30-17)

Total Operating Expense	500,000	500,000
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Cigarette Tax Fund (IC 6-7-1-29.1)

Total Operating Expense	3,666,425	3,666,425
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Augmentation allowed.

SOIL CONSERVATION DIVISION

Cigarette Tax Fund (IC 6-7-1-29.1)

Total Operating Expense	1,862,216	1,862,216
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Augmentation allowed.

GRAIN BUYERS AND WAREHOUSE LICENSING

Grain Buyers and Warehouse Licensing Agency License Fee Fund (IC 26-3-7-6.3)

Total Operating Expense	165,050	165,050
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Augmentation allowed.

B. COMMERCE

FOR THE LIEUTENANT GOVERNOR

RURAL ECONOMIC DEVELOPMENT FUND

Tobacco Master Settlement Agreement Fund (IC 4-12-1-14.3)

Total Operating Expense	1,747,688	1,747,688
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OFFICE OF TOURISM

General Fund

3,406,684	3,406,684
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ARRA State Fiscal Stabilization Fund (Section 14002(b))

1,000,000	1,000,000
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	<i>FY 2009-2010 Appropriation</i>	<i>FY 2010-2011 Appropriation</i>	<i>Biennial Appropriation</i>
1	Total Operating Expense	4,406,684	4,406,684
2			
3	Of the above appropriations, the office of tourism shall distribute \$1,000,000 each		
4	year to the Indiana Sports Corporation to promote the hosting of amateur sporting		
5	events in Indiana cities. Funds may be released after review by the budget committee.		
6			
7	STATE ENERGY PROGRAM		
8	Total Operating Expense	237,963	237,963
9	FOOD ASSISTANCE PROGRAM		
10	Total Operating Expense	131,261	131,261
11			
12	FOR THE INDIANA ECONOMIC DEVELOPMENT CORPORATION		
13	ADMINISTRATIVE AND FINANCIAL SERVICES		
14	General Fund		
15	Total Operating Expense	6,423,392	6,423,392
16	Training 2000 Fund (IC 5-28-7-5)		
17	Total Operating Expense	185,630	185,630
18	Industrial Development Grant Fund (IC 5-28-25-4)		
19	Total Operating Expense	52,139	52,139
20	21ST CENTURY RESEARCH & TECHNOLOGY FUND		
21	From the General Fund		
22	22,375,000	22,375,000	
23	From the ARRA State Fiscal Stabilization Fund (Section 14002(b))		
24	12,500,000	12,500,000	
25	Total Operating Expense	34,875,000	34,875,000
26	INTERNATIONAL TRADE		
27	Total Operating Expense	1,297,049	1,297,049
28	ENTERPRISE ZONE PROGRAM		
29	Enterprise Zone Fund (IC 5-28-15-6)		
30	Total Operating Expense	215,536	215,536
31	Augmentation allowed.		
32	LOCAL ECONOMIC DEVELOPMENT ORGANIZATION/		
33	REGIONAL ECONOMIC DEVELOPMENT ORGANIZATION		
34	(LEDO/REDO) MATCHING GRANT PROGRAM		
35	Total Operating Expense		1,713,990
36	TRAINING 2000		
37	General Fund		
38	Total Operating Expense		19,401,660
39	Training 2000 Fund (IC 5-28-7-5)		
40	Total Operating Expense		3,858,206
41	Augmentation allowed.		
42	BUSINESS PROMOTION PROGRAM		
43	Total Operating Expense		2,049,126
44	TRADE PROMOTION PROGRAM		
45	Total Operating Expense	167,791	167,791
46	BUSINESS DEVELOPMENT LOAN PROGRAM		
47	Total Operating Expense	838,953	838,953
48	AG LOAN AND RURAL DEVELOP GUARANTEE FUND		
49	Economic Development Fund (IC 5-28-8-5)		

		<i>FY 2009-2010 Appropriation</i>	<i>FY 2010-2011 Appropriation</i>	<i>Biennial Appropriation</i>
1	Total Operating Expense	200,000	200,000	
2	Augmentation allowed.			
3	ECONOMIC DEVELOPMENT GRANT AND LOAN PROGRAM			
4	General Fund			
5	Total Operating Expense			1,006,744
6	Economic Development Fund (IC 5-28-8-5)			
7	Total Operating Expense			448,256
8	Augmentation allowed.			
9	INDUSTRIAL DEVELOPMENT GRANT PROGRAM			
10	General Fund			
11	Total Operating Expense			6,500,000
12	Industrial Development Grant Fund (IC 5-28-25-4)			
13	Total Operating Expense			4,500,000
14	Augmentation allowed.			
15	TECHNOLOGY DEVELOPMENT GRANT PROGRAM			
16	Total Operating Expense	1,894,410	1,894,410	
17				
18	FOR THE INDIANA FINANCE AUTHORITY (IFA)			
19	ENVIRONMENTAL REMEDIATION REVOLVING LOAN PROGRAM			
20	Total Operating Expense			2,097,382
21				
22	FOR THE HOUSING AND COMMUNITY DEVELOPMENT AUTHORITY			
23	INDIANA INDIVIDUAL DEVELOPMENT ACCOUNTS			
24	Total Operating Expense	1,000,000	1,000,000	
25				
26	The housing and community development authority shall collect and report to the family			
27	and social services administration (FSSA) all data required for FSSA to meet the			
28	data collection and reporting requirements in 45 CFR Part 265.			
29				
30	Family and social services administration, division of family resources shall apply			
31	all qualifying expenditures for individual development accounts deposits toward Indiana's			
32	maintenance of effort under the federal Temporary Assistance to Needy Families			
33	(TANF) program (45 CFR 260 et seq.).			
34				
35	MORTGAGE FORECLOSURE COUNSELING			
36	Home Ownership Education Fund (IC 5-20-1-27)			
37	Total Operating Expense	2,000,000	2,000,000	
38	Augmentation Allowed.			
39				
40	FOR THE STATE BUDGET AGENCY			
41	MIDWEST ACADEMY OF NANOELECTRONICS			
42	ARRA State Fiscal Stabilization Fund (Section 14002(b))			
43	Total Operating Expense			10,000,000
44				
45	C. EMPLOYMENT SERVICES			
46				
47	FOR THE DEPARTMENT OF WORKFORCE DEVELOPMENT			
48	ADMINISTRATION			
49	Total Operating Expense	855,000	855,000	

1 **WOMEN'S COMMISSION**

2	Personal Services	106,824	106,824
3	Other Operating Expense	12,175	12,175

4 **NATIVE AMERICAN INDIAN AFFAIRS COMMISSION**

5	Total Operating Expense	90,211	90,211
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6 **COMMISSION ON HISPANIC/LATINO AFFAIRS**

7	Total Operating Expense	124,235	124,235
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8

9 The above appropriations are in addition to any funding for the commission derived
10 from funds appropriated to the department of workforce development.

11

12 **D. OTHER ECONOMIC DEVELOPMENT**

13

14 **FOR THE INDIANA STATE FAIR BOARD**

15 **STATE FAIR**

16	Total Operating Expense	2,119,124	2,119,124
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17

18 **SECTION 7. [EFFECTIVE JULY 1, 2009]**

19

20 **TRANSPORTATION**

21

22 **FOR THE DEPARTMENT OF TRANSPORTATION**

23

24 For the conduct and operation of the department of transportation, the following
25 sums are appropriated for the periods designated, from federal funds, the state general
26 fund, the public mass transportation fund, the industrial rail service fund, the
27 state highway fund, the motor vehicle highway account, the distressed road fund,
28 the state highway road construction and improvement fund, the motor carrier regulation
29 fund, and the crossroads 2000 fund.

30

31 **INTERMODAL GRANT PROGRAM**

32 **Public Mass Transportation Fund (IC 8-23-3-8)**

33	Total Operating Expense	50,000	50,000
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34 Augmentation allowed.

35 **RAILROAD GRADE CROSSING IMPROVEMENT**

36 **Motor Vehicle Highway Account (IC 8-14-1)**

37	Total Operating Expense	500,000	500,000
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38 **HIGH SPEED RAIL**

39 **Industrial Rail Service Fund (IC 8-3-1.7-2)**

40	Matching Funds		40,000
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41 Augmentation allowed.

42 **PUBLIC MASS TRANSPORTATION**

43 **Public Mass Transportation Fund (IC 8-23-3-8)**

44	Total Operating Expense	43,740,000	45,980,000
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45 Augmentation allowed.

46

47 Any unencumbered amount remaining from this appropriation at the end of a state fiscal
48 year remains available in subsequent state fiscal years for the purposes for which
49 it is appropriated.

The appropriations are to be used solely for the promotion and development of public transportation. The department of transportation shall allocate funds based on a formula approved by the commissioner of the department of transportation.

The department of transportation may distribute public mass transportation funds to an eligible grantee that provides public transportation in Indiana.

The state funds can be used to match federal funds available under the Federal Transit Act (49 U.S.C. 1601, et seq.) or local funds from a requesting grantee.

Before funds may be disbursed to a grantee, the grantee must submit its request for financial assistance to the department of transportation for approval. Allocations must be approved by the governor and the budget agency after review by the budget committee and shall be made on a reimbursement basis. Only applications for capital and operating assistance may be approved. Only those grantees that have met the reporting requirements under IC 8-23-3 are eligible for assistance under this appropriation.

HIGHWAY OPERATING

State Highway Fund (IC 8-23-9-54)

Personal Services	256,703,031	252,219,117
Other Operating Expense	63,309,536	63,309,536

HIGHWAY VEHICLE AND ROAD MAINTENANCE EQUIPMENT

State Highway Fund (IC 8-23-9-54)

Other Operating Expense	8,800,000	18,000,000
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The above appropriations for highway operating and highway vehicle and road maintenance equipment may be used for personal services, equipment, and other operating expense, including the cost of transportation for the governor.

HIGHWAY MAINTENANCE WORK PROGRAM

State Highway Fund (IC 8-23-9-54)

Other Operating Expense	63,000,000	70,000,000
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The above appropriations for the highway maintenance work program may be used for:

- (1) materials for patching roadways and shoulders;
- (2) repairing and painting bridges;
- (3) installing signs and signals and painting roadways for traffic control;
- (4) mowing, herbicide application, and brush control;
- (5) drainage control;
- (6) maintenance of rest areas, public roads on properties of the department of natural resources, and driveways on the premises of all state facilities;
- (7) materials for snow and ice removal;
- (8) utility costs for roadway lighting; and
- (9) other special maintenance and support activities consistent with the highway maintenance work program.

HIGHWAY CAPITAL IMPROVEMENTS

1 State Highway Fund (IC 8-23-9-54)

2 Right-of-Way Expense	38,250,000	24,800,000
3 Formal Contracts Expense	47,181,225	72,307,207
4 Consulting Services Expense	18,600,000	24,736,741
5 Institutional Road Construction	5,000,000	5,000,000

6

7 The above appropriations for the capital improvements program may be used for:

- 8 (1) bridge rehabilitation and replacement;**
- 9 (2) road construction, reconstruction, or replacement;**
- 10 (3) construction, reconstruction, or replacement of travel lanes, intersections,**
- 11 grade separations, rest parks, and weigh stations;**
- 12 (4) relocation and modernization of existing roads;**
- 13 (5) resurfacing;**
- 14 (6) erosion and slide control;**
- 15 (7) construction and improvement of railroad grade crossings, including the use of**
- 16 the appropriations to match federal funds for projects;**
- 17 (8) small structure replacements;**
- 18 (9) safety and spot improvements; and**
- 19 (10) right-of-way, relocation, and engineering and consulting expenses associated**
- 20 with any of the above types of projects.**

21

22 The appropriations for highway operating, highway vehicle and road maintenance

23 equipment, highway buildings and grounds, the highway planning and research program,

24 the highway maintenance work program, and highway capital improvements are appropriated

25 from estimated revenues, which include the following:

- 26 (1) Funds distributed to the state highway fund from the motor vehicle highway account**
- 27 under IC 8-14-1-3(4).**
- 28 (2) Funds distributed to the state highway fund from the highway, road and street**
- 29 fund under IC 8-14-2-3.**
- 30 (3) All fees and miscellaneous revenues deposited in or accruing to the state highway**
- 31 fund under IC 8-23-9-54.**
- 32 (4) Any unencumbered funds carried forward in the state highway fund from any previous**
- 33 fiscal year.**
- 34 (5) All other funds appropriated or made available to the department of transportation**
- 35 by the general assembly.**

36

37 If funds from sources set out above for the department of transportation exceed appropriations

38 from those sources to the department, the excess amount is hereby appropriated to

39 be used for formal contracts with approval of the governor and the budget agency.

40

41 If there is a change in a statute reducing or increasing revenue for department use,

42 the budget agency shall notify the auditor of state to adjust the above appropriations

43 to reflect the estimated increase or decrease. Upon the request of the department,

44 the budget agency, with the approval of the governor, may allot any increase in appropriations

45 to the department for formal contracts.

46

47 If the department of transportation finds that an emergency exists or that an appropriation

48 will be insufficient to cover expenses incurred in the normal operation of the department,

49 the budget agency may, upon request of the department, and with the approval of the

governor, transfer funds from revenue sources set out above from one (1) appropriation to the deficient appropriation. No appropriation from the state highway fund may be used to fund any toll road or toll bridge project except as specifically provided for under IC 8-15-2-20.

HIGHWAY PLANNING AND RESEARCH PROGRAM

State Highway Fund (IC 8-23-9-54)

Total Operating Expense	2,500,000	2,500,000
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STATE HIGHWAY ROAD CONSTRUCTION AND IMPROVEMENT PROGRAM

State Highway Road Construction Improvement Fund (IC 8-14-10-5)

Lease Rental Payments Expense	61,524,711	62,139,958
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Augmentation allowed.

The above appropriations for the state highway road construction and improvement program are appropriated from the state highway road construction and improvement fund provided in IC 8-14-10-5 and may include any unencumbered funds carried forward from any previous fiscal year. The funds shall be first used for payment of rentals and leases relating to projects under IC 8-14.5. If any funds remain, the funds may be used for the following purposes.

- (1) road and bridge construction, reconstruction, or replacement;
- (2) construction, reconstruction, or replacement of travel lanes, intersections, and grade separations;
- (3) relocation and modernization of existing roads; and
- (4) right-of-way, relocation, and engineering and consulting expenses associated with any of the above types of projects.

CROSSROADS 2000 PROGRAM

Crossroads 2000 Fund (IC 8-14-10-9)

Lease Rental Payment Expense	46,142,787	38,517,564
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Augmentation allowed.

The above appropriations for the crossroads 2000 program are appropriated from the crossroads 2000 fund provided in IC 8-14-10-9 and may include any unencumbered funds carried forward from any previous fiscal year. The funds shall be first used for payment of rentals and leases relating to projects under IC 8-14-10-9. If any funds remain, the funds may be used for the following purposes:

- (1) road and bridge construction, reconstruction, or replacement;
- (2) construction, reconstruction, or replacement of travel lanes, intersections, and grade separations;
- (3) relocation and modernization of existing roads; and
- (4) right-of-way, relocation, and engineering and consulting expenses associated with any of the above types of projects.

MAJOR MOVES CONSTRUCTION PROGRAM

Major Moves Construction Fund (IC 8-14-14-5)

Formal Contracts Expense	545,000,000	535,000,000
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FEDERAL APPORTIONMENT

1	Right-of-Way Expense	174,250,000	113,100,000
2	Formal Contracts Expense	426,642,292	502,792,291
3	Consulting Engineers Expense	84,500,000	69,500,000
4	Highway Planning and Research	12,807,708	12,807,709
5	Local Government Revolving Acct.	266,000,000	266,000,000

6
7 The department may establish an account to be known as the "local government revolving
8 account". The account is to be used to administer the federal-local highway construction
9 program. All contracts issued and all funds received for federal-local projects under
10 this program shall be entered into this account.

11
12 If the federal apportionments for the fiscal years covered by this act exceed the
13 above estimated appropriations for the department or for local governments, the excess
14 federal apportionment is hereby appropriated for use by the department with the approval
15 of the governor and the budget agency.

16
17 The department shall bill, in a timely manner, the federal government for all department
18 payments that are eligible for total or partial reimbursement.

19
20 The department may let contracts and enter into agreements for construction and preliminary
21 engineering during each year of the 2009-2011 biennium that obligate not more than
22 one-third (1/3) of the amount of state funds estimated by the department to be available
23 for appropriation in the following year for formal contracts and consulting engineers
24 for the capital improvements program.

25
26 Under IC 8-23-5-7(a), the department, with the approval of the governor, may construct
27 and maintain roadside parks and highways where highways will connect any state highway
28 now existing, or hereafter constructed, with any state park, state forest preserve,
29 state game preserve, or the grounds of any state institution. There is appropriated
30 to the department of transportation an amount sufficient to carry out the provisions
31 of this paragraph. Under IC 8-23-5-7(d), such appropriations shall be made from
32 the motor vehicle highway account before distribution to local units of government.

33 34 **LOCAL TECHNICAL ASSISTANCE AND RESEARCH**

35
36 Under IC 8-14-1-3(6), there is appropriated to the department of transportation an
37 amount sufficient for:

- 38 (1) the program of technical assistance under IC 8-23-2-5(6); and
39 (2) the research and highway extension program conducted for local government under
40 IC 8-17-7-4.

41
42 The department shall develop an annual program of work for research and extension
43 in cooperation with those units being served, listing the types of research and educational
44 programs to be undertaken. The commissioner of the department of transportation may
45 make a grant under this appropriation to the institution or agency selected to conduct
46 the annual work program. Under IC 8-14-1-3(6), appropriations for the program of
47 technical assistance and for the program of research and extension shall be taken
48 from the local share of the motor vehicle highway account.

Under IC 8-14-1-3(7) there is hereby appropriated such sums as are necessary to maintain a sufficient working balance in accounts established to match federal and local money for highway projects. These funds are appropriated from the following sources in the proportion specified:

- (1) one-half (1/2) from the forty-seven percent (47%) set aside of the motor vehicle highway account under IC 8-14-1-3(7); and
- (2) for counties and for those cities and towns with a population greater than five thousand (5,000), one-half (1/2) from the distressed road fund under IC 8-14-8-2.

AMERICAN RECOVERY AND REINVESTMENT ACT (ARRA)

There is appropriated to the department of transportation the following sums for the periods and purposes designated under the American Recovery and Reinvestment Act (ARRA) of 2009.

FOR THE DEPARTMENT OF TRANSPORTATION

Highway Capital Improvements	
Formal Contracts Expense	440,000,000
Augmentation allowed	
Transportation Enhancements	
Formal Contracts Expense	20,000,000
Augmentation allowed	
Highway Capital Improvements - Metro Planning Organizations, Cities, Towns, and Counties	
Augmentation allowed	198,000,000
Rural Transit Funds	
Augmentation allowed	20,000,000

As soon as practical after passage of this act, the department with the approval of the governor shall prepare a plan for the allocation and expenditure of the appropriations listed above. The plan shall list the projects to be funded. The department shall present the plan to the state budget committee for review under IC 4-12-1-11.5.

In preparing that portion of the plan for expenditure for Highway Capital Improvements and Transportation Enhancements, the department shall adhere to the following goals to the extent practical:

- (1) The plan shall comply with all applicable federal statutes, rules, and policies as necessary to ensure eligibility for the maximum level of federal funding.
- (2) The plan shall be designed to obligate the federal funds and begin construction as soon as practical.
- (3) The plan shall be designed to minimize the likelihood that any funding apportioned to Indiana will have to be returned to the federal government.
- (4) The plan shall strive to make Indiana eligible for any increased funding that may become available as a result of reallocation from other states.

- (5) The plan shall reasonably allocate funding to projects located across all areas of the state, with an emphasis on areas determined by the department to be economically distressed.
- (6) The department may hold special lettings for contracts using the above appropriations. The department shall strive to limit each contract to a maximum of \$10,000,000.
- (7) The department shall strive to diversify the type of work using the above appropriations.

In preparing that portion of the plan for expenditure for Highway Capital Improvements - Local Government and Highway Capital Improvements - Metro Planning Organizations, Cities, Towns, and Counties, the department shall adhere to the following guidelines to the extent practical:

- (1) The plan shall comply with all applicable federal statutes, rules, and policies as necessary to ensure eligibility for the maximum level of federal funding.
- (2) The plan shall be designed to obligate the federal funds and begin construction as soon as practical.
- (3) The plan shall be designed to minimize the likelihood that any funding apportioned to Indiana will have to be returned to the federal government.
- (4) The plan shall strive to make Indiana eligible for any increased funding that may become available as a result of reallocation from other states.
- (5) The plan shall reasonably allocate funds to projects located across all areas of the state. However, if the department cannot identify local government projects that can be obligated within the established time frames the department may allocate funds as necessary to fully obligate all federal funding.
- (6) For Highway Capital Improvements for Metro Planning Organizations the plan shall include projects selected by the respective metropolitan planning organizations. However, if the metropolitan planning organizations cannot identify projects that can be obligated within the established time frames, the department may select alternate projects as necessary to fully obligate all federal funding.
- (7) The department may hold special lettings for contracts using the above appropriations. The department shall strive to limit each contract for Highway Capital Improvements for Cities, Towns, and Counties to a maximum of \$7,000,000.

The department shall establish reasonable policies and guidelines for cities, towns, and counties and metropolitan planning organizations to follow to help ensure reasonable access and timely obligation of funds. The department shall provide reasonable assistance to cities, towns, and counties and metropolitan planning organizations in meeting deadlines established to ensure timely obligation of funding.

If the governor finds that any of the above goals conflict with another goal, the governor shall determine the appropriate weight to give to each goal. Actions taken by the governor or the department with respect to allocation, obligation, or expenditure of the above appropriations before passage of this act is deemed to have satisfied the requirement for budget committee review providing such actions were taken to conform to the plan or to comply with laws, policies, or direction issued by the United States Department of Transportation or any other federal agency as a condition to qualifying for the federal funds.

The department with the approval of the governor may adjust the above appropriations

for Highway Capital Improvements, Transportation Enhancements, Highway Capital Improvements - Metropolitan Planning Organizations, Cities, Towns, and Counties as necessary to comply with federal law, policies, or direction established to ensure continuing eligibility for federal funding.

The department shall submit reports to the budget committee and legislative council by December 31 of 2009, 2010, and 2011 detailing the status of the appropriations and projects funded under the plan. The department may submit copies of reports required to be submitted to the federal government to fulfill this requirement.

The above appropriations do not revert but remain in effect until obligated.

SECTION 8. [EFFECTIVE JULY 1, 2009]

FAMILY AND SOCIAL SERVICES, HEALTH, AND VETERANS' AFFAIRS

A. FAMILY AND SOCIAL SERVICES

FOR THE STATE BUDGET AGENCY

INDIANA PRESCRIPTION DRUG PROGRAM

Tobacco Master Settlement Agreement Fund (IC 4-12-1-14.3)

Total Operating Expense	1,117,830	1,117,830
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FOR THE FAMILY AND SOCIAL SERVICES ADMINISTRATION

CHILDREN'S HEALTH INSURANCE PROGRAM

Tobacco Master Settlement Agreement Fund (IC 4-12-1-14.3)

Total Operating Expense	34,918,921	36,984,511
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FAMILY AND SOCIAL SERVICES ADMINISTRATION

Total Operating Expense	19,764,734	19,764,734
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OFFICE OF MEDICAID POLICY AND PLANNING - ADMINISTRATION

Total Operating Expense	6,061,868	6,062,487
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MEDICAID ADMINISTRATION

Total Operating Expense	36,427,564	36,427,564
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MEDICAID - CURRENT OBLIGATIONS

General Fund

Total Operating Expense	1,130,995,000	1,392,188,000
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The foregoing appropriations for Medicaid current obligations and for Medicaid administration are for the purpose of enabling the office of Medicaid policy and planning to carry out all services as provided in IC 12-8-6. In addition to the above appropriations, all money received from the federal government and paid into the state treasury as a grant or allowance is appropriated and shall be expended by the office of Medicaid policy and planning for the respective purposes for which the money was allocated and paid to the state. Subject to the provisions of P.L.46-1995, if the sums herein appropriated for Medicaid current obligations and for Medicaid administration are insufficient to enable the office of Medicaid policy and planning to meet its obligations, then there is appropriated from the general fund such further sums as may be

necessary for that purpose, subject to the approval of the governor and the budget agency.

INDIANA CHECK-UP PLAN (EXCLUDING IMMUNIZATION)

Indiana Check-Up Plan Trust Fund (IC 12-15-44.2-17)

Total Operating Expense	137,466,043	157,766,043
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HOSPITAL CARE FOR THE INDIGENT FUND

Total Operating Expense	63,000,000	63,000,000
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MEDICAID DISABILITY ELIGIBILITY EXAMS

Total Operating Expense	937,000	937,000
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MEDICAL ASSISTANCE TO WARDS (MAW)

Total Operating Expense	13,100,000	13,100,000
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MARION COUNTY HEALTH AND HOSPITAL CORPORATION

Total Operating Expense	40,000,000	40,000,000
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MENTAL HEALTH ADMINISTRATION

Other Operating Expense	4,059,047	4,059,047
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Two hundred seventy-five thousand dollars (\$275,000) of the above appropriation for the state fiscal year beginning July 1, 2009, and ending June 30, 2010, and two hundred seventy-five thousand dollars (\$275,000) of the above appropriation for the state fiscal year beginning July 1, 2010, and ending June 30, 2011, shall be distributed in the state fiscal year to neighborhood based community service programs.

CHILD PSYCHIATRIC SERVICES FUND

Total Operating Expense	20,423,760	20,423,760
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SERIOUSLY EMOTIONALLY DISTURBED

Total Operating Expense	15,975,408	15,975,408
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SERIOUSLY MENTALLY ILL

General Fund

Total Operating Expense	91,046,702	91,046,702
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Mental Health Centers Fund (IC 6-7-1-32.1)

Total Operating Expense	4,311,650	4,311,650
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Augmentation allowed.

COMMUNITY MENTAL HEALTH CENTERS

Tobacco Master Settlement Agreement Fund (IC 4-12-1-14.3)

Total Operating Expense	7,000,000	7,000,000
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The above appropriation from the Tobacco Master Settlement Agreement Fund is in addition to other funds. The above appropriations for comprehensive community mental health services include the intragovernmental transfers necessary to provide the nonfederal share of reimbursement under the Medicaid rehabilitation option.

The comprehensive community mental health centers shall submit their proposed annual budgets (including income and operating statements) to the budget agency on or before August 1 of each year. All federal funds shall be applied in augmentation of the foregoing funds rather than in place of any part of the funds. The office of the secretary, with the approval of the budget agency, shall determine an equitable allocation of the appropriation among the mental health centers.

GAMBLERS' ASSISTANCE

Gamblers' Assistance Fund (IC 4-33-12-6)

Total Operating Expense	4,490,809	4,490,809
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MVOV CONFERENCE

Gamblers' Assistance Fund (IC 4-33-12-6)

Total Operating Expense	199,763	199,763
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SUBSTANCE ABUSE TREATMENT

Tobacco Master Settlement Agreement Fund (IC 4-12-1-14.3)

Total Operating Expense	4,855,820	4,855,820
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The above appropriation for total operating expense for Substance Abuse Treatment includes an amount of \$12,500 each year of the biennium for the employment of a drug and alcohol abuse counselor for the Jefferson County Transitional Services, Inc. The amount provided for these purposes may not be used for any other purpose.

QUALITY ASSURANCE/RESEARCH

Total Operating Expense	812,860	812,860
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PREVENTION

Gamblers' Assistance Fund (IC 4-33-12-6)

Total Operating Expense	2,858,528	2,858,528
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Augmentation allowed.

METHADONE DIVERSION CONTROL AND OVERSIGHT (MDCO) PROGRAM

MDCO Fund (IC 12-23-18)

Total Operating Expense	243,486	243,486
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Augmentation allowed.

DMHA YOUTH TOBACCO REDUCTION SUPPORT PROGRAM

DMHA Youth Tobacco Reduction Support Program (IC 4-33-12-6)

Total Operating Expense	250,000	250,000
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Augmentation allowed.

EVANSVILLE PSYCHIATRIC CHILDREN'S CENTER

Personal Services	496,318	473,948
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Other Operating Expense	123,252	123,252
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EVANSVILLE STATE HOSPITAL

From the General Fund

20,276,654	20,340,477
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From the Mental Health Fund (IC 12-24-14-4)

677,943	678,778
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Augmentation allowed.

The amounts specified from the general fund and the mental health fund are for the following purposes:

Personal Services	15,636,749	15,701,407
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Other Operating Expense	5,317,848	5,317,848
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LARUE CARTER MEMORIAL HOSPITAL

From the General Fund

22,483,147	22,534,726
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From the Mental Health Fund (IC 12-24-14-4)

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1	Total Operating Expense	285,785	285,785
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3 The federal share of revenue accruing to the state mental health institutions under
 4 IC 12-15, based on the applicable Federal Medical Assistance Percentage (FMAP),
 5 shall be deposited in the mental health fund established by IC 12-24-14-1, and the
 6 remainder shall be deposited in the general fund.

7

8 In addition to the above appropriations, each institution may qualify for an additional
 9 appropriation, or allotment, subject to approval of the governor and the budget agency,
 10 from the mental health fund of up to twenty percent (20%), but not to exceed \$50,000
 11 in each fiscal year, of the amount by which actual net collections exceed an amount
 12 specified in writing by the division of mental health and addiction before July 1
 13 of each year beginning July 1, 2009.

14

15 **DIVISION OF FAMILY RESOURCES ADMINISTRATION**

16	Personal Services	6,061,903	6,061,903
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17	Other Operating Expense	1,963,063	1,963,063
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18 **COMMISSION ON THE SOCIAL STATUS OF BLACK MALES**

19	Total Operating Expense	173,179	173,179
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20 **CHILD CARE LICENSING FUND**

21 **Division of Family Resources Child Care Fund (IC 12-17.2-2-3)**

22	Total Operating Expense	100,000	100,000
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23 **Augmentation allowed.**

24 **ELECTRONIC BENEFIT TRANSFER PROGRAM**

25	Total Operating Expense	2,529,915	2,529,915
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27 The foregoing appropriations for the division of family resources Title IV-D of
 28 the federal Social Security Act are made under, and not in addition to, IC 31-25-4-28.

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30 **STATE WELFARE - COUNTY ADMINISTRATION**

31	Total Operating Expense	56,464,688	56,464,688
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32 **INDIANA CLIENT ELIGIBILITY SYSTEM (ICES)**

33	Total Operating Expense	7,402,387	7,402,387
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34 **IMPACT PROGRAM**

35	Total Operating Expense	689,001	689,001
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36 **TEMPORARY ASSISTANCE TO NEEDY FAMILIES (TANF)**

37	Total Operating Expense	31,776,757	31,776,757
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38 **IMPACT - TANF**

39	Total Operating Expense	1,880,252	1,880,252
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40 **CHILD CARE & DEVELOPMENT FUND**

41	Total Operating Expense	34,418,255	34,418,255
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43 The foregoing appropriations for information systems/technology, education and training,
 44 temporary assistance to needy families (TANF), and child care services are for the
 45 purpose of enabling the division of family resources to carry out all services as
 46 provided in IC 12-14. In addition to the above appropriations, all money received from the
 47 federal government and paid into the state treasury as a grant or allowance is
 48 appropriated and shall be expended by the division of family resources for the
 49 respective purposes for which such money was allocated and paid to the state.

BURIAL EXPENSES

Total Operating Expense	1,607,219	1,607,219
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DOMESTIC VIOLENCE PREVENTION AND TREATMENT

General Fund

Total Operating Expense	1,734,014	1,734,014
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Domestic Violence Prevention and Treatment Fund (IC 12-18-4)

Total Operating Expense	1,115,590	1,115,590
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Augmentation allowed.

SCHOOL AGE CHILD CARE PROJECT FUND

Total Operating Expense	955,780	955,780
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DIVISION OF AGING ADMINISTRATION

Tobacco Master Settlement Agreement Fund (IC 4-12-1-14.3)

Personal Services	594,659	594,659
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Other Operating Expense	852,751	852,751
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The above appropriations for the division of aging administration are for administrative expenses. Any federal fund reimbursements received for such purposes are to be deposited in the general fund.

ROOM AND BOARD ASSISTANCE (R-CAP)

Total Operating Expense	13,477,844	13,477,844
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C.H.O.I.C.E. IN-HOME SERVICES

Total Operating Expense	48,765,643	48,765,643
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The foregoing appropriations for C.H.O.I.C.E. In-Home Services include intragovernmental transfers to provide the nonfederal share of the Medicaid aged and disabled waiver. The intragovernmental transfers for use in the Medicaid aged and disabled waiver may not exceed in the state fiscal year beginning July 1, 2009, and ending June 30, 2010, \$12,900,000. After July 1, 2009, and before August 1, 2010, the office of the secretary (as defined in IC 12-7-2-135) shall submit a report to the legislative council in an electronic format under IC 5-14-6 and the governor in each July, October, January, and April specifying the number of persons on the waiting list for C.H.O.I.C.E. In-Home Services at the end of the month preceding the date of the report, a schedule indicating the length of time persons have been on the waiting list, a description of the conditions or problems that contribute to the waiting list, the plan in the next six (6) months after the end of the reporting period to reduce the waiting list, and any other information that is necessary or appropriate to interpret the information provided in the report.

The division of aging shall conduct an annual evaluation of the cost effectiveness of providing home care. Before January of each year, the division shall submit a report to the budget committee, the budget agency, and the legislative council that covers all aspects of the division's evaluation and such other information pertaining thereto as may be requested by the budget committee, the budget agency, or the legislative council, including the following:

(1) the number and demographic characteristics of the recipients of home care during the preceding fiscal year;

(2) the total cost and per recipient cost of providing home care services during the preceding fiscal year;

(3) the number of recipients of home care services who would have been placed in long term care facilities had they not received home care services; and

(4) the total cost savings during the preceding fiscal year realized by the state due to recipients of home care services (including Medicaid) being diverted from long term care facilities.

The division shall obtain from providers of services data on their costs and expenditures regarding implementation of the program and report the findings to the budget committee, the budget agency, and the legislative council. The report to the legislative council must be in an electronic format under IC 5-14-6.

The foregoing appropriations for C.H.O.I.C.E. In-Home Services do not revert to the state general fund or any other fund at the close of any state fiscal year but remain available for the purposes of C.H.O.I.C.E. In-Home Services in subsequent state fiscal years.

OLDER HOOSIERS ACT

Total Operating Expense	1,573,446	1,573,446
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ADULT PROTECTIVE SERVICES

Total Operating Expense	1,956,528	1,956,528
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ADULT GUARDIANSHIP SERVICES

Total Operating Expense	477,135	477,135
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TITLE V EMPLOYMENT GRANT (OLDER WORKERS)

Total Operating Expense	229,034	229,034
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MEDICAID WAIVER

Total Operating Expense	322,275	322,275
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OBRA/PASSARR

Total Operating Expense	91,108	91,108
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TITLE III ADMINISTRATION GRANT

Total Operating Expense	252,163	252,163
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OMBUDSMAN

Total Operating Expense	310,124	310,124
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DIVISION OF DISABILITY AND REHABILITATIVE SERVICES ADMINISTRATION

Tobacco Master Settlement Agreement Fund (IC 4-12-1-14.3)

Total Operating Expense	360,764	360,764
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VOCATIONAL REHABILITATION SERVICES

Personal Services	3,525,457	3,525,457
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Other Operating Expense	12,348,257	12,348,257
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AID TO INDEPENDENT LIVING

Total Operating Expense	46,927	46,927
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INDIANAPOLIS RESOURCE CENTER FOR INDEPENDENT LIVING

Total Operating Expense	87,665	87,665
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SOUTHERN INDIANA CENTER FOR INDEPENDENT LIVING

Total Operating Expense	87,665	87,665
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ATTIC, INCORPORATED

Total Operating Expense	87,665	87,665
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LEAGUE FOR THE BLIND AND DISABLED

Total Operating Expense	87,665	87,665
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FUTURE CHOICES, INC.

Total Operating Expense	158,113	158,113
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THE WABASH INDEPENDENT LIVING AND LEARNING CENTER, INC.

Total Operating Expense	158,113	158,113
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INDEPENDENT LIVING CENTER OF EASTERN INDIANA

Total Operating Expense	158,113	158,113
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FSSA shall use the above appropriations for Indianapolis Resource Center for Independent Living; Southern Indiana Center for Independent Living; Attic, Incorporated; League for the Blind and Disabled; Future Choices, Inc.; The Wabash Independent Living and Learning Center, Inc.; and Independent Living Center of Eastern Indiana to match federal funds so that total funding available for Indianapolis Resource Center for Independent Living; Southern Indiana Center for Independent Living; Attic, Incorporated; and League for the Blind and Disabled each totals \$263,000 and funding available for Future Choices, Inc.; The Wabash Independent Living and Learning Center, Inc.; and Independent Living Center of Eastern Indiana each totals \$474,000.

OFFICE OF DEAF AND HEARING IMPAIRED

Personal Services	185,104	185,104
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Other Operating Expense	131,670	131,670
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BLIND VENDING OPERATIONS

Total Operating Expense	129,905	129,905
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DEVELOPMENTAL DISABILITY RESIDENTIAL FACILITIES COUNCIL

Personal Services	2,970	2,970
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Other Operating Expense	12,038	12,038
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OFFICE OF SERVICES FOR THE BLIND AND VISUALLY IMPAIRED

Personal Services	56,751	56,751
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Other Operating Expense	24,985	24,985
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EMPLOYEE TRAINING

Total Operating Expense	6,112	6,112
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BUREAU OF QUALITY IMPROVEMENT SERVICES - BQIS

Total Operating Expense	3,936,983	3,936,983
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DAY SERVICES - DEVELOPMENTALLY DISABLED

Other Operating Expense	11,759,384	11,759,384
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DIAGNOSIS AND EVALUATION

Other Operating Expense	400,125	400,125
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FEDERAL EARLY INTERVENTION

Total Operating Expense	6,149,513	6,149,513
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SUPPORTED EMPLOYMENT

Other Operating Expense	3,880,000	3,880,000
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EPILEPSY PROGRAM

Tobacco Master Settlement Agreement Fund (IC 4-12-1-14.3)

Other Operating Expense	463,758	463,758
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CAREGIVER SUPPORT

Other Operating Expense	809,500	809,500
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BDDS OPERATING

General Fund

Total Operating Expense	5,286,709	5,286,709
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Tobacco Master Settlement Agreement Fund (IC 4-12-1-14.3)

Total Operating Expense	1,869,887	1,869,887
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Augmentation allowed.

OASIS - OBJECTIVE ASSISTANCE SYSTEM FROM INDEPENDENT SERVICES

Total Operating Expense	5,529,000	5,529,000
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CRISIS MANAGEMENT

Tobacco Master Settlement Agreement Fund (IC 4-12-1-14.3)

Total Operating Expense	4,136,080	4,136,080
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Augmentation allowed.

OUTREACH - STATE OPERATING SERVICES

Tobacco Master Settlement Agreement Fund (IC 4-12-1-14.3)

Total Operating Expense	2,232,973	2,232,973
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Augmentation allowed.

RESIDENTIAL SERVICES FOR DEVELOPMENTALLY DISABLED PERSONS

General Fund

Total Operating Expense	93,996,290	93,996,290
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Tobacco Master Settlement Agreement Fund (IC 4-12-1-14.3)

Total Operating Expense	15,229,000	15,229,000
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The above appropriations for client services include the intragovernmental transfers necessary to provide the nonfederal share of reimbursement under the Medicaid program for day services provided to residents of group homes and nursing facilities.

In the development of new community residential settings for persons with developmental disabilities, the division of disability and rehabilitative services must give priority to the appropriate placement of such persons who are eligible for Medicaid and currently residing in intermediate care or skilled nursing facilities and, to the extent permitted by law, such persons who reside with aged parents or guardians or families in crisis.

FOR THE DEPARTMENT OF CHILD SERVICES

DEPARTMENT OF CHILD SERVICES - ADMINISTRATION

Personal Services	89,445,563	89,445,563
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Other Operating Expense	20,582,245	20,582,245
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DEPARTMENT OF CHILD SERVICES - STATE ADMINISTRATION

Personal Services	14,689,383	14,689,383
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Other Operating Expense	3,636,219	3,636,219
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CHILD WELFARE SERVICES STATE GRANTS

General Fund

Total Operating Expense	7,500,000	7,500,000
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Excise and Financial Institution Taxes

Total Operating Expense	6,275,000	6,275,000
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Augmentation allowed.

TITLE IV-D OF THE FEDERAL SOCIAL SECURITY ACT (STATE MATCH)

Total Operating Expense	5,598,019	5,598,019
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The foregoing appropriations for the department of child services Title IV-D of the federal Social Security Act are made under, and not in addition to, IC 31-25-4-28.

FAMILY AND CHILDREN FUND

General Fund

Total Operating Expense	463,660,000	463,660,000
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Family and Children Reimbursement (IC 31-40-1-3)

Total Operating Expense	8,782,173	8,782,173
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Augmentation allowed.

YOUTH SERVICE BUREAU

Total Operating Expense	1,528,000	1,528,000
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PROJECT SAFEPLACE

Total Operating Expense	230,000	230,000
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HEALTHY FAMILIES INDIANA

Total Operating Expense	6,826,935	6,826,935
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CHILD WELFARE TRAINING

Total Operating Expense	1,729,473	1,729,473
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SPECIAL NEEDS ADOPTION II

Personal Services	243,060	243,060
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Other Operating Expense	456,540	456,540
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ADOPTION ASSISTANCE

Total Operating Expense	14,307,971	14,307,971
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NON-RECURRING ADOPTION ASSISTANCE

Total Operating Expense	921,500	921,500
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INDIANA SUPPORT ENFORCEMENT TRACKING (ISETs)

Total Operating Expense	4,804,602	4,804,602
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CHILD PROTECTION AUTOMATION PROJECT (ICWIS)

Total Operating Expense	4,224,334	4,224,334
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SOCIAL SERVICES BLOCK GRANT (SSBG)

Total Operating Expense	4,012,083	4,012,083
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The funds appropriated above to the social services block grant are allocated in the following manner during the biennium:

Division of Disability and Rehabilitative Services

343,481	343,481
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Division of Family Resources

1,100,000	1,100,000
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Division of Aging

687,396	687,396
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Department of Child Services

289,352	289,352
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Department of Health

296,504	296,504
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Department of Correction

1,295,350	1,295,350
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B. PUBLIC HEALTH

FOR THE STATE DEPARTMENT OF HEALTH

Personal Services	21,315,999	21,315,999
Other Operating Expense	7,885,840	7,885,840

All receipts to the state department of health from licenses or permit fees shall be deposited in the state general fund. Augmentation allowed in amounts not to exceed revenue from penalties or fees collected by the state department of health.

The above appropriations for the state department of health include funds to establish a medical adverse events reporting system by making a grant to or an agreement with an appropriate agency.

AREA HEALTH EDUCATION CENTERS

Total Operating Expense	1,387,500	1,387,500
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CANCER REGISTRY

Tobacco Master Settlement Agreement Fund (IC 4-12-1-14.3)

Total Operating Expense	610,647	610,647
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MINORITY HEALTH INITIATIVE

Tobacco Master Settlement Agreement Fund (IC 4-12-1-14.3)

Total Operating Expense	3,000,000	3,000,000
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The foregoing appropriations shall be allocated to the Indiana Minority Health Coalition to work with the state department on the implementation of IC 16-46-11.

SICKLE CELL

Tobacco Master Settlement Agreement Fund (IC 4-12-1-14.3)

Total Operating Expense	250,000	250,000
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AID TO COUNTY TUBERCULOSIS HOSPITALS

Tobacco Master Settlement Agreement Fund (IC 4-12-1-14.3)

Total Operating Expense	96,883	96,883
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These funds shall be used for eligible expenses according to IC 16-21-7-3 for tuberculosis patients for whom there are no other sources of reimbursement, including patient resources, health insurance, medical assistance payments, and hospital care for the indigent.

MEDICARE-MEDICAID CERTIFICATION

Total Operating Expense	6,269,426	6,269,426
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Personal services augmentation allowed in amounts not to exceed revenue from health facilities license fees or from health care providers (as defined in IC 16-18-2-163) fee increases or those adopted by the Executive Board of the Indiana State Department of health pursuant to IC 16-19-3.

AIDS EDUCATION

Tobacco Master Settlement Agreement Fund (IC 4-12-1-14.3)

Personal Services	286,161	286,161
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Other Operating Expense	381,084	381,084
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HIV/AIDS SERVICES

Tobacco Master Settlement Agreement Fund (IC 4-12-1-14.3)

Total Operating Expense	2,162,254	2,162,254
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TEST FOR DRUG AFFLICTED BABIES

Tobacco Master Settlement Agreement Fund (IC 4-12-1-14.3)

Total Operating Expense	58,121	58,121
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The above appropriations for drug afflicted babies shall be used for the following purposes:

- (1) All newborn infants shall be tested for the presence of a controlled substance in the infant's meconium if they meet the criteria established by the state department of health. These criteria will, at a minimum, include all newborns, if at birth:
 - (A) the infant's weight is less than two thousand five hundred (2,500) grams;
 - (B) the infant's head is smaller than the third percentile for the infant's gestational age; and
 - (C) there is no medical explanation for the conditions described in clauses (A) and (B).
- (2) If a meconium test determines the presence of a controlled substance in the infant's meconium, the infant may be declared a child in need of services as provided in IC 31-34-1-10 through IC 31-34-1-13. However, the child's mother may not be prosecuted in connection with the results of the test.
- (3) The state department of health shall provide forms on which the results of a meconium test performed on an infant under subdivision (1) must be reported to the state department of health by physicians and hospitals.
- (4) The state department of health shall, at least semi-annually:
 - (A) ascertain the extent of testing under this chapter; and
 - (B) report its findings under subdivision (1) to:
 - (i) all hospitals;
 - (ii) physicians who specialize in obstetrics and gynecology or work with infants and young children; and
 - (iii) any other group interested in child welfare that requests a copy of the report from the state department of health.
- (5) The state department of health shall designate at least one (1) laboratory to perform the meconium test required under subdivisions (1) through (8). The designated laboratories shall perform a meconium test on each infant described in subdivision (1) to detect the presence of a controlled substance.
- (6) Subdivisions (1) through (7) do not prevent other facilities from conducting tests on infants to detect the presence of a controlled substance.
- (7) Each hospital and physician shall:
 - (A) take or cause to be taken a meconium sample from every infant born under the hospital's and physician's care who meets the description under subdivision (1); and
 - (B) transport or cause to be transported each meconium sample described in clause (A) to a laboratory designated under subdivision (5) to test for the presence of a controlled substance as required under subdivisions (1) through (7).
- (8) The state department of health shall establish guidelines to carry out this program, including guidance to physicians, medical schools, and birthing centers as to the following:
 - (A) Proper and timely sample collection and transportation under subdivision (7) of this appropriation.
 - (B) Quality testing procedures at the laboratories designated under subdivision (5) of this appropriation.

- 1 (C) Uniform reporting procedures.
 2 (D) Appropriate diagnosis and management of affected newborns and counseling and
 3 support programs for newborns' families.
 4 (9) A medically appropriate discharge of an infant may not be delayed due to the
 5 results of the test described in subdivision (1) or due to the pendency of the results
 6 of the test described in subdivision (1).

7
 8 **STATE CHRONIC DISEASES**

9 **Tobacco Master Settlement Agreement Fund (IC 4-12-1-14.3)**

10 Personal Services	120,459	120,459
11 Other Operating Expense	957,968	957,968

12
 13 **At least \$82,560 of the above appropriations shall be for grants to community groups**
 14 **and organizations as provided in IC 16-46-7-8.**

15
 16 **WOMEN, INFANTS, AND CHILDREN SUPPLEMENT**

17 **Tobacco Master Settlement Agreement Fund (IC 4-12-1-14.3)**

18 Total Operating Expense	190,000	190,000
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19
 20 **MATERNAL AND CHILD HEALTH SUPPLEMENT**

21 **Tobacco Master Settlement Agreement Fund (IC 4-12-1-14.3)**

22 Total Operating Expense	190,000	190,000
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23
 24 **CANCER EDUCATION AND DIAGNOSIS - BREAST CANCER**

25 **Tobacco Master Settlement Agreement Fund (IC 4-12-1-14.3)**

26 Total Operating Expense	86,490	86,490
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27 **CANCER EDUCATION AND DIAGNOSIS - PROSTATE CANCER**

28 **Tobacco Master Settlement Agreement Fund (IC 4-12-1-14.3)**

29 Total Operating Expense	93,000	93,000
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30 **ADOPTION HISTORY**

31 **Adoption History Fund (IC 31-19-18-6)**

32 Total Operating Expense	215,543	215,543
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33 **Augmentation allowed.**

34 **CHILDREN WITH SPECIAL HEALTH CARE NEEDS**

35 Total Operating Expense	13,862,070	13,862,070
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36 **NEWBORN SCREENING PROGRAM**

37 **Newborn Screening Fund (IC 16-41-17-11)**

38 Personal Services	366,971	366,971
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39 Other Operating Expense	2,294,672	2,294,672
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40 **Augmentation allowed.**

41 **RADON GAS TRUST FUND**

42 **Radon Gas Trust Fund (IC 16-41-38-8)**

43 Total Operating Expense	11,458	11,458
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44 **Augmentation allowed.**

45 **BIRTH PROBLEMS REGISTRY**

46 **Birth Problems Registry Fund (IC 16-38-4-17)**

47 Personal Services	62,071	62,071
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48 Other Operating Expense	62,389	62,389
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49 **Augmentation allowed.**

MOTOR FUEL INSPECTION PROGRAM

Motor Fuel Inspection Fund (IC 16-44-3-10)

Total Operating Expense	174,464	174,464
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Augmentation allowed.

PROJECT RESPECT

Tobacco Master Settlement Agreement Fund (IC 4-12-1-14.3)

Total Operating Expense	537,904	537,904
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DONATED DENTAL SERVICES

Tobacco Master Settlement Agreement Fund (IC 4-12-1-14.3)

Total Operating Expense	42,932	42,932
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The above appropriation shall be used by the Indiana foundation for dentistry for the handicapped.

OFFICE OF WOMEN'S HEALTH

Tobacco Master Settlement Agreement Fund (IC 4-12-1-14.3)

Total Operating Expense	121,248	121,248
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SPINAL CORD AND BRAIN INJURY

Spinal Cord and Brain Injury Fund (IC 16-41-42.2-3)

Total Operating Expense	1,175,770	1,175,770
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INDIANA CHECK-UP PLAN - IMMUNIZATIONS

Indiana Check-Up Plan Trust Fund (IC 12-15-44.2-17)

Total Operating Expense	11,000,000	11,000,000
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WEIGHTS AND MEASURES FUND

Weights and Measures Fund (IC 16-19-5-4)

Total Operating Expense	22,824	22,824
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Augmentation allowed.

MINORITY EPIDEMIOLOGY

Tobacco Master Settlement Agreement Fund (IC 4-12-1-14.3)

Total Operating Expense	697,500	697,500
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COMMUNITY HEALTH CENTERS

Tobacco Master Settlement Agreement Fund (IC 4-12-1-14.3)

Total Operating Expense	15,000,000	15,000,000
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Of the above appropriation for community health centers, \$15,000,000 may be used for capital projects.

PRENATAL SUBSTANCE USE & PREVENTION

Tobacco Master Settlement Agreement Fund (IC 4-12-1-14.3)

Total Operating Expense	150,000	150,000
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LOCAL HEALTH MAINTENANCE FUND

Tobacco Master Settlement Agreement Fund (IC 4-12-1-14.3)

Total Operating Expense	3,860,000	3,860,000
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Augmentation allowed.

The amount appropriated from the tobacco master settlement agreement fund is in lieu of the appropriation provided for this purpose in IC 6-7-1-30.5 or any other law. Of the above appropriations for the local health maintenance fund, \$60,000 each year shall be used to provide additional funding to adjust funding through the formula in IC 16-46-10 to reflect

population increases in various counties. Money appropriated to the local health maintenance fund must be allocated under the following schedule each year to each local board of health whose application for funding is approved by the state department of health:

COUNTY POPULATION	AMOUNT OF GRANT
over 499,999	94,112
100,000 - 499,999	72,672
50,000 - 99,999	48,859
under 50,000	33,139

LOCAL HEALTH DEPARTMENT ACCOUNT

Tobacco Master Settlement Agreement Fund (IC 4-12-1-14.3)

Total Operating Expense	3,000,000	3,000,000
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The foregoing appropriations for the local health department account are statutory distributions pursuant to IC 4-12-7.

INDIANA HEALTH INFORMATICS CORPORATION

Tobacco Master Settlement Agreement Fund (IC 4-12-1-14.3)

Total Operating Expense	300,000	300,000
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SOLDIERS' AND SAILORS' CHILDREN'S HOME

Personal Services	8,463,872	1
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Other Operating Expense	1,229,925	1
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FOR THE TOBACCO USE PREVENTION AND CESSATION BOARD

TOBACCO USE PREVENTION AND CESSATION PROGRAM

Tobacco Master Settlement Agreement Fund (IC 4-12-1-14.3)

Total Operating Expense	14,500,000	14,500,000
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A minimum of 75% of the above appropriations shall be used for grants to local agencies and other entities with programs designed to reduce smoking.

FOR THE INDIANA SCHOOL FOR THE BLIND AND VISUALLY IMPAIRED

Personal Services	10,525,311	10,524,650
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Other Operating Expense	1,028,728	1,029,396
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FOR THE INDIANA SCHOOL FOR THE DEAF

Personal Services	16,817,364	16,822,021
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Other Operating Expense	1,959,367	1,959,367
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C. VETERANS' AFFAIRS

FOR THE INDIANA DEPARTMENT OF VETERANS' AFFAIRS

Personal Services	538,944	538,944
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Other Operating Expense	80,108	80,108
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DISABLED AMERICAN VETERANS OF WORLD WARS

Total Operating Expense	40,000	40,000
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AMERICAN VETERANS OF WORLD WAR II, KOREA, AND VIETNAM

Total Operating Expense	30,000	30,000
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VETERANS OF FOREIGN WARS

Total Operating Expense	30,000	30,000
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VIETNAM VETERANS OF AMERICA

Total Operating Expense		20,000
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MILITARY FAMILY RELIEF FUND

Military Family Relief Fund (IC 10-17-12-8)

Total Operating Expense	450,000	450,000
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INDIANA VETERANS' HOME

From the General Fund

12,815,594 12,815,594

From the Veterans' Home Comfort-Welfare Fund (IC 10-17-9-7(c))

9,381,362 9,381,362

Augmentation allowed from the Veterans' Home comfort-welfare fund in amounts not to exceed revenue collected for Medicaid and Medicare reimbursement.

The amounts specified from the General Fund and the Comfort-Welfare Fund are for the following purposes:

Personal Services	16,956,676	16,956,676
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Other Operating Expense	5,240,280	5,240,280
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COMFORT AND WELFARE PROGRAM

Comfort-Welfare Fund (IC 10-17-9-7(c))

Total Operating Expense	10,127,221	10,127,221
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Augmentation allowed.

SECTION 9. [EFFECTIVE JULY 1, 2009]

EDUCATION

A. HIGHER EDUCATION

FOR INDIANA UNIVERSITY

BLOOMINGTON CAMPUS

From the General Fund

200,180,174 200,180,174

From the ARRA State Fiscal Stabilization Fund (Section 14002(a))

2,022,022 2,022,022

The amounts specified from the General Fund and the American Recovery and Reinvestment Act are for the following purposes:

Total Operating Expense	202,202,196	202,202,196
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From the General Fund

26,901,091 40,317,272

Fee Replacement	26,901,091	40,317,272
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FOR INDIANA UNIVERSITY REGIONAL CAMPUSES

EAST

From the General Fund

8,238,916 8,238,916

From the ARRA State Fiscal Stabilization Fund (Section 14002(a))

83,221 83,221

The amounts specified from the General Fund and the American Recovery and Reinvestment Act are for the following purposes:

Total Operating Expense 8,322,137 8,322,137

From the General Fund

1,896,844 1,400,591

Fee Replacement 1,896,844 1,400,591

KOKOMO

From the General Fund

10,709,280 10,709,280

From the ARRA State Fiscal Stabilization Fund (Section 14002(a))

108,175 108,175

The amounts specified from the General Fund and the American Recovery and Reinvestment Act are for the following purposes:

Total Operating Expense 10,817,455 10,817,455

From the General Fund

2,103,973 1,553,532

Fee Replacement 2,103,973 1,553,532

NORTHWEST

From the General Fund

17,880,683 17,880,683

From the ARRA State Fiscal Stabilization Fund (Section 14002(a))

180,613 180,613

The amounts specified from the General Fund and the American Recovery and Reinvestment Act are for the following purposes:

Total Operating Expense 18,061,296 18,061,296

From the General Fund

3,899,173 2,879,072

Fee Replacement 3,899,173 2,879,072

SOUTH BEND

From the General Fund

23,003,647 23,003,647

From the ARRA State Fiscal Stabilization Fund (Section 14002(a))

232,360 232,360

From the ARRA State Fiscal Stabilization Fund (Section 14002(b))

24,416 24,416

The amounts specified from the General Fund and the American Recovery and Reinvestment Act are for the following purposes:

		<i>FY 2009-2010 Appropriation</i>	<i>FY 2010-2011 Appropriation</i>	<i>Biennial Appropriation</i>
1	Total Operating Expense	23,260,423	23,260,423	
2				
3	From the General Fund			
4	5,658,917	6,437,774		
5	Fee Replacement	5,658,917	6,437,774	
6				
7	SOUTHEAST			
8	From the General Fund			
9	20,640,314	20,640,314		
10	From the ARRA State Fiscal Stabilization Fund (Section 14002(a))			
11	208,488	208,488		
12	From the ARRA State Fiscal Stabilization Fund (Section 14002(b))			
13	136,025	265,227		
14	The amounts specified from the General Fund and the American Recovery and Reinvestment			
15	Act are for the following purposes:			
16	Total Operating Expense	20,984,827	21,114,029	
17				
18	From the General Fund			
19	5,048,022	3,811,038		
20	Fee Replacement	5,048,022	3,811,038	
21				
22	TOTAL APPROPRIATION - INDIANA UNIVERSITY REGIONAL CAMPUSES			
23	100,053,067	97,657,347		
24				
25	FOR INDIANA UNIVERSITY - PURDUE UNIVERSITY			
26	AT INDIANAPOLIS (IUPUI)			
27	HEALTH DIVISIONS			
28	From the General Fund			
29	111,113,964	111,113,964		
30	From the ARRA State Fiscal Stabilization Fund (Section 14002(a))			
31	1,122,363	1,122,363		
32	The amounts specified from the General Fund and the American Recovery and Reinvestment			
33	Act are for the following purposes:			
34	Total Operating Expense	112,236,327	112,236,327	
35				
36	From the General Fund			
37	4,189,020	2,821,231		
38	Fee Replacement	4,189,020	2,821,231	
39				
40	FOR INDIANA UNIVERSITY SCHOOL OF MEDICINE ON			
41	THE CAMPUS OF THE UNIVERSITY OF SOUTHERN INDIANA			
42	From the General Fund			
43	1,594,256	1,594,256		
44	From the ARRA State Fiscal Stabilization Fund (Section 14002(a))			
45	16,105	16,105		
46	The amounts specified from the General Fund and the American Recovery and Reinvestment			
47	Act are for the following purpose:			
48	Total Operating Expense	1,610,361	1,610,361	
49				

1	THE CAMPUS OF INDIANA UNIVERSITY-PURDUE UNIVERSITY FORT WAYNE		
2	From the General Fund		
3	1,466,616	1,466,616	
4	From the ARRA State Fiscal Stabilization Fund (Section 14002(a))		
5	14,814	14,814	
6	The amounts specified from the General Fund and the American Recovery and Reinvestment		
7	Act are for the following purpose:		
8	Total Operating Expense	1,481,430	1,481,430
9			
10	THE CAMPUS OF INDIANA UNIVERSITY-NORTHWEST		
11	From the General Fund		
12	2,083,528	2,083,528	
13	From the ARRA State Fiscal Stabilization Fund (Section 14002(a))		
14	21,046	21,046	
15	The amounts specified from the General Fund and the American Recovery and Reinvestment		
16	Act are for the following purpose:		
17	Total Operating Expense	2,104,574	2,104,574
18			
19	THE CAMPUS OF PURDUE UNIVERSITY		
20	From the General Fund		
21	1,859,843	1,859,843	
22	From the ARRA State Fiscal Stabilization Fund (Section 14002(a))		
23	18,786	18,786	
24	The amounts specified from the General Fund and the American Recovery and Reinvestment		
25	Act are for the following purpose:		
26	Total Operating Expense	1,878,629	1,878,629
27			
28	THE CAMPUS OF BALL STATE UNIVERSITY		
29	From the General Fund		
30	1,672,302	1,672,302	
31	From the ARRA State Fiscal Stabilization Fund (Section 14002(a))		
32	16,892	16,892	
33	The amounts specified from the General Fund and the American Recovery and Reinvestment		
34	Act are for the following purpose:		
35	Total Operating Expense	1,689,194	1,689,194
36			
37	THE CAMPUS OF THE UNIVERSITY OF NOTRE DAME		
38	From the General Fund		
39	1,550,860	1,550,860	
40	From the ARRA State Fiscal Stabilization Fund (Section 14002(a))		
41	15,665	15,665	
42	The amounts specified from the General Fund and the American Recovery and Reinvestment		
43	Act are for the following purpose:		
44	Total Operating Expense	1,566,525	1,566,525
45			
46	THE CAMPUS OF INDIANA STATE UNIVERSITY		
47	From the General Fund		
48	1,848,960	1,848,960	
49	From the ARRA State Fiscal Stabilization Fund (Section 14002(a))		

11 **FOR INDIANA UNIVERSITY - PURDUE UNIVERSITY AT INDIANAPOLIS (IUPUI)**
12 **GENERAL ACADEMIC DIVISIONS**

18	119,954	119,954
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28 **232,059,756** **224,160,128**

49 Spinal Cord and Brain Injury Fund (IC 16-41-42.3-3)

1	Total Operating Expense	546,073	546,073
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2

3 **STATE DEPARTMENT OF TOXICOLOGY**

4	Total Operating Expense	2,463,380	2,463,380
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5

6 **INSTITUTE FOR THE STUDY OF DEVELOPMENTAL DISABILITIES**

7 **From the General Fund**

8	2,554,860	2,554,860
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9 **From the ARRA State Fiscal Stabilization Fund (Section 14002(a))**

10	25,807	25,807
----	---------------	---------------

11 **The amounts specified from the General Fund and the American Recovery and Reinvestment**
 12 **Act are for the following purpose:**

13	Total Operating Expense	2,580,667	2,580,667
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14

15 **GEOLOGICAL SURVEY**

16 **From the General Fund**

17	3,199,188	3,199,188
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18 **From the ARRA State Fiscal Stabilization Fund (Section 14002(a))**

19	32,316	32,316
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20 **The amounts specified from the General Fund and the American Recovery and Reinvestment**
 21 **Act are for the following purpose:**

22	Total Operating Expense	3,231,504	3,231,504
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23

24 **LOCAL GOVERNMENT ADVISORY COMMISSION**

25 **From the General Fund**

26	58,310	58,310
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27 **From the ARRA State Fiscal Stabilization Fund (Section 14002(a))**

28	589	589
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29 **The amounts specified from the General Fund and the American Recovery and Reinvestment**
 30 **Act are for the following purpose:**

31	Total Operating Expense	58,899	58,899
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32

33 **I-LIGHT NETWORK OPERATIONS**

34 **From the General Fund**

35	2,000,000	2,000,000
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36 **From the ARRA State Fiscal Stabilization Fund (Section 14002(a))**

37	2,000,000	2,000,000
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38 **The amounts specified from the General Fund and the American Recovery and Reinvestment**
 39 **Act are for the following purpose:**

40	Total Operating Expense	4,000,000	4,000,000
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41

42 **The sums herein appropriated to the Indiana Higher Education Telecommunications System**
 43 **(IHETS) are in addition to all income of IHETS from all permanent fees and endowments**
 44 **and from all land grants, fees, earnings, and receipts, including gifts, grants,**
 45 **bequests, and devises, and receipts from any miscellaneous sales from whatever source**
 46 **derived.**

47

48 **All such income and all such fees, earnings, and receipts on hand June 30, 2009,**
 49 **and all such income and fees, earnings, and receipts accruing thereafter are hereby**

appropriated to the directors of IHETS and may be expended for any necessary expenses of IHETS. However, such income, fees, earnings, and receipts may be used for land and structures only if approved by the governor and the budget agency.

The foregoing appropriations to IHETS include the employers' share of Social Security payments for IHETS employees under the public employees' retirement fund, or the Indiana state teachers' retirement fund. The funds appropriated also include funding for the employers' share of payments to the public employees' retirement fund and to the Indiana state teachers' retirement fund at a rate to be established by the retirement funds for both fiscal years for IHETS employees covered by these retirement plans.

The directors of IHETS are hereby authorized to accept federal grants, subject to IC 4-12-1.

The above appropriation for I-Light Network Operations is in addition to the appropriation in P.L. 234-2007, SECTION 6 to the Indiana Higher Education Telecommunication System for I-Light 2-Black Fiber. Notwithstanding IC 4-9.1-1-7, IC 4-12-1-12, or IC 4-13-2-23, the appropriation in P.L. 234-2007, SECTION 6 for I-Light 2-Black Fiber is not subject to transfer to any other fund or to transfer, assignment, or reassignment for any other use or purpose except as necessary to carry out the purposes of the appropriation. Notwithstanding IC 4-13-2-19 and any other law, the above appropriation in P.L. 234-2007, SECTION 6 for I-Light 2-Black Fiber does not revert to the state general fund or another fund at the close of a state fiscal year but remains available in subsequent state fiscal years for the purposes of the appropriation. A reversion, transfer, assignment, or reassignment made after December 31, 2008, that does not comply with this subsection shall be reversed to make the appropriation available for the purposes of the appropriation in P.L. 234-2007, SECTION 6 for I-Light 2-Black Fiber.

**FOR PURDUE UNIVERSITY
WEST LAFAYETTE**

From the General Fund

259,413,399 259,413,399

From the ARRA State Fiscal Stabilization Fund (Section 14002(a))

2,620,338 2,620,338

The amounts specified from the General Fund and the American Recovery and Reinvestment Act are for the following purposes:

Total Operating Expense	262,033,737	262,033,737
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From the General Fund

26,722,911 26,777,731

Fee Replacement

26,722,911	26,777,731
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**FOR PURDUE UNIVERSITY - REGIONAL CAMPUSES
CALUMET**

From the General Fund

27,930,577 27,930,577

From the ARRA State Fiscal Stabilization Fund (Section 14002(a))

282,127	282,127
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1	From the ARRA State Fiscal Stabilization Fund (Section 14002(b))		
2		209,264	346,305
3	The amounts specified from the General Fund and the American Recovery and Reinvestment		
4	Act are for the following purposes:		
5	Total Operating Expense	28,421,968	28,559,009
6			
7	From the General Fund		
8		1,491,261	1,692,654
9	Fee Replacement	1,491,261	1,692,654
10			
11	NORTH CENTRAL		
12	From the General Fund		
13		11,850,126	11,850,126
14	From the ARRA State Fiscal Stabilization Fund (Section 14002(a))		
15		119,698	119,698
16	From the ARRA State Fiscal Stabilization Fund (Section 14002(b))		
17		410,997	697,412
18	The amounts specified from the General Fund and the American Recovery and Reinvestment		
19	Act are for the following purposes:		
20	Total Operating Expense	12,380,821	12,667,236
21			
22	From the General Fund		
23		1	83,679
24	Fee Replacement	1	83,679
25			
26	TOTAL APPROPRIATION - PURDUE UNIVERSITY REGIONAL CAMPUSES		
27		42,294,051	43,002,578
28			
29	FOR INDIANA UNIVERSITY - PURDUE UNIVERSITY		
30	AT FORT WAYNE (IPFW)		
31	From the General Fund		
32		38,065,207	38,065,207
33	From the ARRA State Fiscal Stabilization Fund (Section 14002(a))		
34		384,498	384,498
35	From the ARRA State Fiscal Stabilization Fund (Section 14002(b))		
36		591,056	1,153,467
37	The amounts specified from the General Fund and the American Recovery and Reinvestment		
38	Act are for the following purposes:		
39	Total Operating Expense	39,040,761	39,603,172
40			
41	From the General Fund		
42		5,995,241	5,980,642
43	Fee Replacement	5,995,241	5,980,642
44			
45	Transfers of allocations between campuses to correct for errors in allocation among		
46	the campuses of Purdue University can be made by the institution with the approval		
47	of the commission for higher education and the budget agency.		
48			
49	FOR PURDUE UNIVERSITY		

ANIMAL DISEASE DIAGNOSTIC LABORATORY SYSTEM

From the General Fund

3,557,509	3,557,509
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From the ARRA State Fiscal Stabilization Fund (Section 14002(a))

35,935	35,935
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The amounts specified from the General Fund and the American Recovery and Reinvestment Act are for the following purpose:

Total Operating Expense	3,593,444	3,593,444
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The above appropriations shall be used to fund the animal disease diagnostic laboratory system (ADDL), which consists of the main ADDL at West Lafayette, the bangs disease testing service at West Lafayette, and the southern branch of ADDL Southern Indiana Purdue Agricultural Center (SIPAC) in Dubois County. The above appropriations are in addition to any user charges that may be established and collected under IC 21-46-3-5. Notwithstanding IC 21-46-3-4, the trustees of Purdue University may approve reasonable charges for testing for pseudorabies.

STATEWIDE TECHNOLOGY

From the General Fund

6,634,999	6,634,999
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From the ARRA State Fiscal Stabilization Fund (Section 14002(a))

67,021	67,021
---------------	---------------

The amounts specified from the General Fund and the American Recovery and Reinvestment Act are for the following purpose:

Total Operating Expense	6,702,020	6,702,020
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COUNTY AGRICULTURAL EXTENSION EDUCATORS

From the General Fund

7,460,686	7,460,686
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From the ARRA State Fiscal Stabilization Fund (Section 14002(a))

75,361	75,361
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The amounts specified from the General Fund and the American Recovery and Reinvestment Act are for the following purpose:

Total Operating Expense	7,536,047	7,536,047
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AGRICULTURAL RESEARCH AND EXTENSION - CROSSROADS

From the General Fund

7,465,178	7,465,178
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From the ARRA State Fiscal Stabilization Fund (Section 14002(a))

75,406	75,406
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The amounts specified from the General Fund and the American Recovery and Reinvestment Act are for the following purpose:

Total Operating Expense	7,540,584	7,540,584
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CENTER FOR PARALYSIS RESEARCH

From the General Fund

538,887	538,887
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From the ARRA State Fiscal Stabilization Fund (Section 14002(a))

5,444	5,444
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The amounts specified from the General Fund and the American Recovery and Reinvestment Act are for the following purpose:

Total Operating Expense	544,331	544,331
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UNIVERSITY-BASED BUSINESS ASSISTANCE

From the General Fund

1,948,071	1,948,071
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From the ARRA State Fiscal Stabilization Fund (Section 14002(a))

19,678	19,678
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The amounts specified from the General Fund and the American Recovery and Reinvestment Act are for the following purpose:

Total Operating Expense	1,967,749	1,967,749
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FOR INDIANA STATE UNIVERSITY

From the General Fund

76,142,019	76,142,019
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From the ARRA State Fiscal Stabilization Fund (Section 14002(a))

769,112	769,112
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From the ARRA State Fiscal Stabilization Fund (Section 14002(b))

0	703,611
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The amounts specified from the General Fund and the American Recovery and Reinvestment Act are for the following purposes:

Total Operating Expense	76,911,131	77,614,742
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From the General Fund

8,231,452	9,455,023
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Fee Replacement	8,231,452	9,455,023
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NURSING PROGRAM

From the General Fund

247,500	247,500
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From the ARRA State Fiscal Stabilization Fund (Section 14002(a))

2,500	2,500
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The amounts specified from the General Fund and the American Recovery and Reinvestment Act are for the following purposes:

Total Operating Expense	250,000	250,000
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FOR UNIVERSITY OF SOUTHERN INDIANA

From the General Fund

39,983,554	39,983,554
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From the ARRA State Fiscal Stabilization Fund (Section 14002(a))

403,875	403,875
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From the ARRA State Fiscal Stabilization Fund (Section 14002(b))

578,861	802,094
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The amounts specified from the General Fund and the American Recovery and Reinvestment Act are for the following purposes:

Total Operating Expense	40,966,290	41,189,523
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From the General Fund

1		11,920,469	11,119,519	
2	Fee Replacement		11,920,469	11,119,519
3				
4	HISTORIC NEW HARMONY			
5	From the General Fund			
6		570,723	570,723	
7	From the ARRA State Fiscal Stabilization Fund (Section 14002(a))			
8		5,765	5,765	
9	The amounts specified from the General Fund and the American Recovery and Reinvestment			
10	Act are for the following purpose:			
11	Total Operating Expense		576,488	576,488
12				
13	FOR BALL STATE UNIVERSITY			
14	From the General Fund			
15		129,077,431	129,077,431	
16	From the ARRA State Fiscal Stabilization Fund (Section 14002(a))			
17		1,303,813	1,303,813	
18	From the ARRA State Fiscal Stabilization Fund (Section 14002(b))			
19		1,658,682	1,658,682	
20	The amounts specified from the General Fund and the American Recovery and Reinvestment			
21	Act are for the following purposes:			
22	Total Operating Expense		132,039,926	132,039,926
23				
24	From the General Fund			
25		11,543,674	14,296,955	
26	Fee Replacement		11,543,674	14,296,955
27				
28	ENTREPRENEURIAL COLLEGE			
29	From the General Fund			
30		990,000	990,000	
31	From the ARRA State Fiscal Stabilization Fund (Section 14002(a))			
32		10,000	10,000	
33	From the ARRA State Fiscal Stabilization Fund (Section 14002(b))			
34		1,000,000	1,000,000	
35	The amounts specified from the General Fund and the American Recovery and Reinvestment			
36	Act are for the following purpose:			
37	Total Operating Expense		2,000,000	2,000,000
38				
39	ACADEMY FOR SCIENCE, MATHEMATICS, AND HUMANITIES			
40	From the General Fund			
41		4,407,399	4,407,399	
42	From the ARRA State Fiscal Stabilization Fund (Section 14002(a))			
43		44,514	44,514	
44	The amounts specified from the General Fund and the American Recovery and Reinvestment			
45	Act are for the following purpose:			
46	Total Operating Expense		4,451,913	4,451,913
47				
48	FOR VINCENNES UNIVERSITY			
49	From the General Fund			

1	38,577,469	38,577,469	
2	From the ARRA State Fiscal Stabilization Fund (Section 14002(a))		
3	389,672	389,672	
4	From the ARRA State Fiscal Stabilization Fund (Section 14002(b))		
5	350,102	717,313	
6	The amounts specified from the General Fund and the American Recovery and Reinvestment		
7	Act are for the following purposes:		
8	Total Operating Expense	39,317,243	39,684,454
9			
10	From the General Fund		
11	5,275,650	5,952,097	
12	Fee Replacement	5,275,650	5,952,097
13			
14	FOR IVY TECH COMMUNITY COLLEGE		
15	From the General Fund		
16	160,790,902	160,790,902	
17	From the ARRA State Fiscal Stabilization Fund (Section 14002(a))		
18	1,624,151	1,624,151	
19	From the ARRA State Fiscal Stabilization Fund (Section 14002(b))		
20	7,996,186	15,977,929	
21	The amounts specified from the General Fund and the American Recovery and Reinvestment		
22	Act are for the following purposes:		
23	Total Operating Expense	170,411,239	178,392,982
24			
25	From the General Fund		
26	26,656,511	28,602,954	
27	Fee Replacement	26,656,511	28,602,954
28			
29	VALPO NURSING PARTNERSHIP		
30	From the General Fund		
31	103,624	103,624	
32	From the ARRA State Fiscal Stabilization Fund (Section 14002(a))		
33	1,047	1,047	
34	The amounts specified from the General Fund and the American Recovery and Reinvestment		
35	Act are for the following purpose:		
36	Total Operating Expense	104,671	104,671
37			
38	FT. WAYNE PUBLIC SAFETY TRAINING CENTER		
39	From the General Fund		
40	Total Operating Expense	1,000,000	1,000,000
41			
42	The above appropriations do not include funds for the course development grant program.		
43			
44	The sums herein appropriated to Indiana University, Purdue University, Indiana State		
45	University, University of Southern Indiana, Ball State University, Vincennes University,		
46	and Ivy Tech Community College are in addition to all income of said institutions,		
47	respectively, from all permanent fees and endowments and from all land grants, fees,		
48	earnings, and receipts, including gifts, grants, bequests, and devises, and receipts		
49	from any miscellaneous sales from whatever source derived.		

All such income and all such fees, earnings, and receipts on hand June 30, 2009, and all such income and fees, earnings, and receipts accruing thereafter are hereby appropriated to the boards of trustees or directors of the aforementioned institutions and may be expended for any necessary expenses of the respective institutions, including university hospitals, schools of medicine, nurses' training schools, schools of dentistry, and agricultural extension and experimental stations. However, such income, fees, earnings, and receipts may be used for land and structures only if approved by the governor and the budget agency.

The foregoing appropriations to Indiana University, Purdue University, Indiana State University, University of Southern Indiana, Ball State University, Vincennes University, and Ivy Tech Community College, include the employers' share of Social Security payments for university employees under the public employees' retirement fund, or institutions covered by the Indiana state teachers' retirement fund. The funds appropriated also include funding for the employers' share of payments to the public employees' retirement fund and to the Indiana state teachers' retirement fund at a rate to be established by the retirement funds for both fiscal years for each institution's employees covered by these retirement plans.

The treasurers of Indiana University, Purdue University, Indiana State University, University of Southern Indiana, Ball State University, Vincennes University, and Ivy Tech Community College shall, at the end of each three (3) month period, prepare and file with the auditor of state a financial statement that shall show in total all revenues received from any source, together with a consolidated statement of disbursements for the same period. The budget director shall establish the requirements for the form and substance of the reports.

The reports of the treasurer also shall contain in such form and in such detail as the governor and the budget agency may specify, complete information concerning receipts from all sources, together with any contracts, agreements, or arrangements with any federal agency, private foundation, corporation, or other entity from which such receipts accrue.

All such treasurers' reports are matters of public record and shall include without limitation a record of the purposes of any and all gifts and trusts with the sole exception of the names of those donors who request to remain anonymous.

Notwithstanding IC 4-10-11, the auditor of state shall draw warrants to the treasurers of Indiana University, Purdue University, Indiana State University, University of Southern Indiana, Ball State University, Vincennes University, and Ivy Tech Community College on the basis of vouchers stating the total amount claimed against each fund or account, or both, but not to exceed the legally made appropriations.

Notwithstanding IC 4-12-1-14, for universities and colleges supported in whole or in part by state funds, grant applications and lists of applications need only be submitted upon request to the budget agency for review and approval or disapproval and, unless disapproved by the budget agency, federal grant funds may be requested and spent without approval by the budget agency. Each institution shall retain the

1 applications for a reasonable period of time and submit a list of all grant applications,
2 at least monthly, to the commission for higher education for informational purposes.

3
4 For all university special appropriations, an itemized list of intended expenditures,
5 in such form as the governor and the budget agency may specify, shall be submitted
6 to support the allotment request. All budget requests for university special appropriations
7 shall be furnished in a like manner and as a part of the operating budgets of the
8 state universities.

9
10 The trustees of Indiana University, the trustees of Purdue University, the trustees
11 of Indiana State University, the trustees of University of Southern Indiana, the
12 trustees of Ball State University, the trustees of Vincennes University, and the trustees
13 of Ivy Tech Community College are hereby authorized to accept federal grants, subject
14 to IC 4-12-1.

15
16 Fee replacement funds are to be distributed as requested by each institution, on
17 payment due dates, subject to available appropriations.

18
19 **FOR THE MEDICAL EDUCATION BOARD**
20 **FAMILY PRACTICE RESIDENCY FUND**

21	Total Operating Expense	2,340,683	2,340,683
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22
23 Of the foregoing appropriations for the medical education board-family practice residency
24 fund, \$1,000,000 each year shall be used for grants for the purpose of improving
25 family practice residency programs serving medically underserved areas.

26
27 **FOR THE STATE BUDGET AGENCY**
28 **MEDICAL EDUCATION CENTER EXPANSION**

29 From the ARRA State Fiscal Stabilization Fund (Section 14002(b))

30	Total Operating Expense	5,000,000	5,000,000
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31
32 The above appropriations for medical education center expansion are intended
33 to help increase medical school class size by 30% on a statewide basis. The funds
34 shall be used to help increase enrollment for years 1 and 2 and to provide clinical
35 instruction for years 3 and 4. The funds shall be distributed to the nine existing
36 medical education centers in proportion to the increase in enrollment for each center.
37 The budget agency shall release the funds after a plan is submitted and favorably
38 reviewed by the budget committee.

39
40 **TECHNICAL ASSISTANCE AND ADVANCED MANUFACTURING**

41 From the ARRA State Fiscal Stabilization Fund (Section 14002(b))

42	Total Operating Expense	3,750,000	3,750,000
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43
44 The above appropriation for technical assistance and advanced manufacturing is intended
45 to be used to expand post graduate pharmacy residency training and post graduate
46 biomedical engineering specialization and for a technical assistance program for
47 cost containment through the healthcare technology assistance program at Purdue University.
48 Funds shall be released after favorable review by the budget committee.

1 **CORE RESEARCH**

2 **From the ARRA State Fiscal Stabilization Fund (Section 14002(b))**

3 **Total Operating Expense 11,250,000 11,250,000**

4

5 The above appropriations for core research are intended to fund facilities, equipment,
6 researchers, and related expenses at Purdue University and Indiana University to conduct
7 basic research in the core life sciences that are aligned with Indiana's major bioscience
8 employment sectors. Those sectors include pharmaceutical, biotech, medical devices
9 and equipment, orthopedics, and agricultural feedstock and chemicals. Funds shall
10 be released after favorable review by the budget committee.

11

12 **FOR THE COMMISSION FOR HIGHER EDUCATION**

13 **Total Operating Expense 1,538,266 1,538,266**

14

15 **STATEWIDE TRANSFER WEB SITE**

16 **Total Operating Expense 644,293 644,293**

17

18 **LEARN MORE INDIANA**

19 **Total Operating Expense 1 1**

20

21 **FOR THE DEPARTMENT OF ADMINISTRATION**

22 **ANIMAL DISEASE DIAGNOSTIC LABORATORY LEASE RENTAL**

23 **Total Operating Expense 1,045,098 1,046,630**

24

25 **ANIMAL DISEASE DIAGNOSTIC LABORATORY BSL-3 LEASE RENTAL**

26 **Total Operating Expense 1 2,600,000**

27

28 **COLUMBUS LEARNING CENTER LEASE PAYMENT**

29 **Total Operating Expense 4,988,000 4,934,000**

30

31 **FOR THE STATE BUDGET AGENCY**

32 **GIGAPOP PROJECT**

33 **Total Operating Expense 771,951 771,951**

34

35 **SOUTH CENTRAL EDUCATIONAL ALLIANCE - BEDFORD SERVICE AREA**

36 **Total Operating Expense 403,172 403,172**

37

38 **SOUTHEAST INDIANA EDUCATION SERVICES**

39 **Total Operating Expense 709,130 709,130**

40

41 The above appropriation for southeast Indiana education services may be expended
42 with the approval of the budget agency after review by the commission for higher
43 education.

44

45 **DEGREE LINK**

46 **Total Operating Expense 552,294 552,294**

47

48 The above appropriations shall be used for the delivery of Indiana State University
49 baccalaureate degree programs at Ivy Tech Community College and Vincennes University

locations through Degree Link. Distributions shall be made upon the recommendation of the Indiana commission for higher education and with approval by the budget agency after review by the budget committee.

WORKFORCE CENTERS

Total Operating Expense	887,973	887,973
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MIDWEST HIGHER EDUCATION COMMISSION

Total Operating Expense	95,000	95,000
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FOR THE STATE STUDENT ASSISTANCE COMMISSION

Total Operating Expense	1,073,337	1,073,337
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FREEDOM OF CHOICE GRANTS

General Fund

Total Operating Expense	47,583,031	47,583,031
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ARRA State Fiscal Stabilization Fund (Section 14002(b))

Total Operating Expense	7,823,465	7,823,465
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HIGHER EDUCATION AWARD PROGRAM

General Fund

Total Operating Expense	139,515,254	139,515,254
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ARRA State Fiscal Stabilization Fund (Section 14002(b))

Total Operating Expense	25,719,861	25,719,861
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NURSING SCHOLARSHIP PROGRAM

Total Operating Expense	418,389	418,389
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HOOSIER SCHOLAR PROGRAM

Total Operating Expense	404,500	404,500
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For the higher education awards and freedom of choice grants made for the 2009-2011 biennium, the following guidelines shall be used, notwithstanding current administrative rule or practice:

- (1) Financial Need: For purposes of these awards, financial need shall be limited to actual undergraduate tuition and fees for the prior academic year as established by the commission.
- (2) Maximum Base Award: The maximum award shall not exceed the lesser of:
 - (A) eighty percent (80%) of actual prior academic year undergraduate tuition and fees; or
 - (B) eighty percent (80%) of the sum of the highest prior academic year undergraduate tuition and fees at any public institution of higher education and the lowest appropriation per full-time equivalent (FTE) undergraduate student at any public institution of higher education.
- (3) Minimum Award: No actual award shall be less than \$200.
- (4) Award Size: A student's maximum award shall be reduced one (1) time:
 - (A) for dependent students, by the expected contribution from parents based upon information submitted on the financial aid application form; and
 - (B) for independent students, by the expected contribution derived from information submitted on the financial aid application form.
- (5) Award Adjustment: The maximum base award may be adjusted by the commission, for

any eligible recipient who fulfills college preparation requirements defined by the commission.

(6) Adjustment:

(A) If the dollar amounts of eligible awards exceed appropriations and program reserves, all awards may be adjusted by the commission by reducing the maximum award under subdivision (2)(A) or (2)(B).

(B) If appropriations and program reserves are sufficient and the maximum awards are not at the levels described in subdivision (2)(A) and (2)(B), all awards may be adjusted by the commission by proportionally increasing the awards to the maximum award under that subdivision so that parity between those maxima is maintained but not exceeded.

For the Hoosier scholar program for the 2009-2011 biennium, each award shall not exceed five hundred dollars (\$500) and shall be made available for one (1) year only. Receipt of this award shall not reduce any other award received under any state funded student assistance program.

STATUTORY FEE REMISSION

Total Operating Expense	20,557,932	20,557,932
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PART-TIME STUDENT GRANT DISTRIBUTION

Total Operating Expense	5,462,100	5,462,100
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Priority for awards made from the above appropriation shall be given first to eligible students meeting TANF income eligibility guidelines as determined by the family and social services administration and second to eligible students who received awards from the part-time grant fund during the school year associated with the biennial budget year. Funds remaining shall be distributed according to procedures established by the commission. The maximum grant that an applicant may receive for a particular academic term shall be established by the commission but shall in no case be greater than a grant for which an applicant would be eligible under IC 21-12-3 if the applicant were a full-time student. The commission shall collect and report to the family and social services administration (FSSA) all data required for FSSA to meet the data collection and reporting requirements in 45 CFR Part 265.

The family and social services administration, division of family resources, shall apply all qualifying expenditures for the part-time grant program toward Indiana's maintenance of effort under the federal Temporary Assistance for Needy Families (TANF) program (45 CFR 260 et seq.).

CONTRACT FOR INSTRUCTIONAL OPPORTUNITIES IN SOUTHEASTERN INDIANA

Total Operating Expense	458,253	458,253
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MINORITY TEACHER SCHOLARSHIP FUND

Total Operating Expense	415,919	415,919
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COLLEGE WORK STUDY PROGRAM

Total Operating Expense	837,719	837,719
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21ST CENTURY ADMINISTRATION

Total Operating Expense	2,102,648	2,102,648
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21ST CENTURY SCHOLAR AWARDS

1	Total Operating Expense	30,658,675	30,658,675
2	Augmentation for 21st Century Scholar Awards allowed from the general fund.		

3
4 **The commission shall collect and report to the family and social services administration**
5 **(FSSA) all data required for FSSA to meet the data collection and reporting requirements**
6 **in 45 CFR 265.**
7

8 **Family and social services administration, division of family resources, shall apply**
9 **all qualifying expenditures for the 21st century scholars program toward Indiana's**
10 **maintenance of effort under the federal Temporary Assistance for Needy Families (TANF)**
11 **program (45 CFR 260 et seq.)**
12

13 **NATIONAL GUARD SCHOLARSHIP**

14	Total Operating Expense	2,874,264	2,874,264
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15
16 **The above appropriations for national guard scholarship and any program reserves**
17 **existing on June 30, 2009, shall be the total allowable state expenditure for the**
18 **program in the 2009-2011 biennium. If the dollar amounts of eligible awards exceed**
19 **appropriations and program reserves, the state student assistance commission shall**
20 **develop a plan to ensure that the total dollar amount does not exceed the above appropriations**
21 **and any program reserves.**
22

23 **INSURANCE EDUCATION SCHOLARSHIPS**

24 **Insurance Education Scholarship Fund (IC 21-12-9-5)**

25	Total Operating Expense	100,000	100,000
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26 **Augmentation allowed.**
27

28 **B. ELEMENTARY AND SECONDARY EDUCATION**
29

30 **FOR THE DEPARTMENT OF EDUCATION**

31 **STATE BOARD OF EDUCATION**

32	Total Operating Expense	3,144,762	3,144,762
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33
34 **The foregoing appropriations for the Indiana state board of education are for the**
35 **education roundtable established by IC 20-19-4; for the academic standards project**
36 **to distribute copies of the academic standards and provide teachers with curriculum**
37 **frameworks; for special evaluation and research projects including national and international**
38 **assessments; and for roundtable administrative expenses.**
39

40 **SUPERINTENDENT'S OFFICE**

41 **From the General Fund**

42	8,495,125	8,495,125
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43 **From the Professional Standards Fund (IC 20-28-2-8)**

44	395,000	395,000
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45 **Augmentation allowed from the Professional Standards Fund.**
46

47 **The amounts specified from the General Fund and the Professional Standards Fund are**
48 **for the following purposes:**
49

		<i>FY 2009-2010 Appropriation</i>	<i>FY 2010-2011 Appropriation</i>	<i>Biennial Appropriation</i>
1	Personal Services	5,895,372	5,895,372	
2	Other Operating Expense	2,994,753	2,994,753	
3				
4	Of the foregoing appropriations for the Superintendent's Office, up to \$140,000 is			
5	dedicated for the Center for Evaluation and Education Policy.			
6				
7	RILEY HOSPITAL			
8	Total Operating Expense	27,900	27,900	
9	BEST BUDDIES			
10	Total Operating Expense	250,000	250,000	
11	MOTORCYCLE OPERATOR SAFETY EDUCATION FUND			
12	Motorcycle Operator Safety Education Fund (IC 20-30-13-11)			
13	Personal Services	154,388	154,388	
14	Other Operating Expense	829,642	829,642	
15				
16	The foregoing appropriations for the motorcycle operator safety education fund are			
17	from the motorcycle operator safety education fund created by IC 20-30-13-11.			
18				
19	SCHOOL TRAFFIC SAFETY			
20	Motor Vehicle Highway Account (IC 8-14-1)			
21	Personal Services	242,989	242,989	
22	Other Operating Expense	30,405	30,405	
23	Augmentation allowed.			
24	EDUCATION LICENSE PLATE FEES			
25	Education License Plate Fees Fund (IC 9-18-31-6)			
26	Total Operating Expense	141,200	141,200	
27	ACCREDITATION SYSTEM			
28	Personal Services	566,462	566,462	
29	Other Operating Expense	283,966	283,966	
30	SPECIAL EDUCATION (S-5)			
31	Total Operating Expense	24,750,000	24,750,000	
32				
33	The foregoing appropriations for special education are made under IC 20-35-6-2.			
34				
35	SPECIAL EDUCATION EXCISE			
36	Alcoholic Beverage Excise Tax Funds (IC 20-35-4-4)			
37	Personal Services	344,351	344,351	
38	Augmentation Allowed.			
39	CAREER AND TECHNICAL EDUCATION			
40	Personal Services	1,390,117	1,390,117	
41	Other Operating Expense	36,828	36,828	
42	ADVANCED PLACEMENT PROGRAM			
43	Other Operating Expense	953,284	953,284	
44				
45	The above appropriations for the Advanced Placement program are to provide funding			
46	for students of accredited public and nonpublic schools.			
47				
48	PSAT PROGRAM			
49	Other Operating Expense	717,449	717,449	

The above appropriations for the PSAT program are to provide funding for students of accredited public and nonpublic schools.

PRINCIPAL LEADERSHIP ACADEMY

Personal Services	320,632	320,632
Other Operating Expense	142,204	142,204

EDUCATION SERVICE CENTERS

Total Operating Expense	2,205,223	2,205,223
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No appropriation made for an education service center shall be distributed to the administering school corporation of the center unless each participating school corporation of the center contracts to pay to the center at least three dollars (\$3) per student for fiscal year 2009-2010 based on the school corporation's ADM count as reported for school aid distribution in the fall of 2008, and at least three dollars (\$3) per student for fiscal year 2010-2011, based on the school corporation's ADM count as reported for school aid distribution beginning in the fall of 2009. Before notification of education service centers of the formula and components of the formula for distributing funds for education service centers, review and approval of the formula and components must be made by the budget agency.

TRANSFER TUITION (STATE EMPLOYEES' CHILDREN AND ELIGIBLE CHILDREN IN MENTAL HEALTH FACILITIES)

Total Operating Expense	25,000	25,000
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The foregoing appropriations for transfer tuition (state employees' children and eligible children in mental health facilities) are made under IC 20-26-11-8 and IC 20-26-11-10.

TEACHERS' SOCIAL SECURITY AND RETIREMENT DISTRIBUTION

Total Operating Expense	2,403,792	2,403,792
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The foregoing appropriations shall be distributed by the department of education on a monthly basis and in approximately equal payments to special education cooperatives, area career and technical education schools, and other governmental entities that received state teachers' Social Security distributions for certified education personnel (excluding the certified education personnel funded through federal grants) during the fiscal year beginning July 1, 1992, and ending June 30, 1993, and for the units under the Indiana state teacher's retirement fund, the amount they received during the 2002-2003 state fiscal year for teachers' retirement. If the total amount to be distributed is greater than the total appropriation, the department of education shall reduce each entity's distribution proportionately.

DISTRIBUTION FOR TUITION SUPPORT

Total Operating Expense	6,381,650,000	6,497,650,000
-------------------------	---------------	---------------

The foregoing appropriations for distribution for tuition support are to be distributed for tuition support, special education programs, including special education preschool, career and technical education programs, honors grants, and the primetime program

in accordance with a statute enacted for this purpose during the 2009 session of the general assembly.

If the above appropriations for distribution for tuition support are more than are required under this SECTION, any excess shall revert to the general fund.

The above appropriations for tuition support shall be made each calendar year under a schedule set by the budget agency and approved by the governor. However, the schedule shall provide for at least twelve (12) payments, that one (1) payment shall be made at least every forty (40) days, and the aggregate of the payments in each calendar year shall equal the amount required under the statute enacted for the purpose referred to above.

The above appropriation for tuition support shall be distributed to guarantee a minimum of \$2,750 per child enrolled in special education preschool programs from state sources for this purpose. It is the intent of the 2009 general assembly that the above appropriation for Special Education Preschool is the total allowable expenditure for the program. Therefore, if the expected disbursements are anticipated to exceed the total appropriation for that state fiscal year, then the department of education shall reduce the distributions proportionately.

DISTRIBUTION FOR FISCAL STABILIZATION FUND GRANTS (IC 20-43-12)

ARRA State Fiscal Stabilization Fund (Section 14002(a))

Total Operating Expense	166,550,000	272,750,000
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The above appropriations for fiscal stabilization fund grants are intended to be one-time grants to school corporations in addition to distributions for tuition support. The calendar year 2011 amount is to be distributed in the first six months of calendar year 2011.

LEVY REPLACEMENT GRANTS

From the ARRA State Fiscal Stabilization Fund (Section 14002(a))

Restore Reductions from Circuit Breaker	156,695,000
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Augmentation Allowed

The foregoing appropriations are to restore the level of funding for levy replacement grants for the school fiscal year beginning January 1, 2009, and ending December 31, 2009, and the school fiscal year beginning January 1, 2010, and ending December 31, 2010. The foregoing appropriation does not expire. The budget agency may adjust the three and fifty-four hundredths percent (3.54%) threshold and the calculation in IC 20-20-36.2-5, as added in HEA 1198-2009, and as amended by this act, based on the actual amount of funds available under the federal American Recovery and Reinvestment Act of 2009 for appropriation under this SECTION for levy replacement grants. The calendar year 2011 amount is to be distributed in the first six months of calendar year 2011. Levy replacement grants are intended to be one-time distributions for the FY 2009-2011 biennium.

DISTRIBUTION FOR SUMMER SCHOOL

Other Operating Expense	18,360,000	18,360,000
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It is the intent of the 2009 general assembly that the above appropriations for summer school shall be the total allowable state expenditure for such program. Therefore, if the expected disbursements are anticipated to exceed the total appropriation for that state fiscal year, then the department of education shall reduce the distributions proportionately.

EARLY INTERVENTION PROGRAM AND READING DIAGNOSTIC ASSESSMENT

Total Operating Expense	4,720,000	4,720,000
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The above appropriations for the early intervention program may be used for grants to local school corporations for grant proposals for early intervention programs, including reading recovery and the Waterford method.

The foregoing appropriations may be used by the department for the reading diagnostic assessment and subsequent remedial programs or activities. The reading diagnostic assessment program, as approved by the board, is to be made available on a voluntary basis to all Indiana public and nonpublic school first and second grade students upon the approval of the governing body of school corporations. The board shall determine how the funds will be distributed for the assessment and related remediation. The department or its representative shall provide progress reports on the assessment as requested by the board and the education roundtable.

ADULT EDUCATION DISTRIBUTION

Total Operating Expense	13,000,000	13,000,000
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It is the intent of the 2009 general assembly that the above appropriations for adult education shall be the total allowable state expenditure for such program. Therefore, if the expected disbursements are anticipated to exceed the total appropriation for a state fiscal year, the department of education shall reduce the distributions proportionately.

NATIONAL SCHOOL LUNCH PROGRAM

Total Operating Expense	5,400,000	5,400,000
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MARION COUNTY DESEGREGATION COURT ORDER

Total Operating Expense	18,000,000	18,000,000
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The foregoing appropriations for court ordered desegregation costs are made pursuant to order No. IP 68-C-225-S of the United States District Court for the Southern District of Indiana. If the sums herein appropriated are insufficient to enable the state to meet its obligations, then there are hereby appropriated from the state general fund such further sums as may be necessary for such purpose.

TEXTBOOK REIMBURSEMENT

Total Operating Expense	39,000,000	39,000,000
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Before a school corporation or an accredited nonpublic school may receive a distribution under the textbook reimbursement program, the school corporation or accredited nonpublic school shall provide to the department the requirements established in IC 20-33-5-2. The department shall provide to the family and social services administration (FSSA)

all data required for FSSA to meet the data collection reporting requirement in 45 CFR 265. Family and social services administration, division of family resources, shall apply all qualifying expenditures for the textbook reimbursement program toward Indiana's maintenance of effort under the federal Temporary Assistance to Needy Families (TANF) program (45 CFR 260 et seq.).

The foregoing appropriations for textbook reimbursement include the appropriation of the common school fund interest balance. The remainder of the above appropriations are provided from the state general fund.

FULL-DAY KINDERGARTEN

Total Operating Expense	58,500,000	58,500,000
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The above appropriations for full day kindergarten are available to school corporations and charter schools that apply to the department of education for funding of full day kindergarten. The amount available to a school corporation or charter school equals the amount appropriated divided by the total number of eligible pupils (as defined in IC 20-43-1-11) enrolled in full day kindergarten in all participating school corporations and charter schools in the current year, and then multiplied by the total number of eligible pupils (as defined in IC 20-43-1-11) enrolled in full day kindergarten in the school corporation or charter school in the current year, as determined on the initial count. However, a school corporation or charter school may not receive more than \$1,132 dollars per student for full day kindergarten. A school corporation or charter school that is awarded a grant must provide to the department of education a financial report stating how the funds were spent. Any unspent funds at the end of the biennium must be returned to the state by the school corporation or charter school.

To provide full day kindergarten programs, a school corporation or charter school that determines there is inadequate space to offer a program in the school corporation's or charter school's existing facilities may offer the program in any suitable space located within the geographic boundaries of the school corporation or, in the case of a charter school, a location that is in the general vicinity of the charter school's existing facilities. A full day kindergarten program offered by a school corporation or charter school must meet the academic standards and other requirements of IC 20.

A school corporation or charter school that receives a grant must meet the academic standards and other requirements of IC 20.

In awarding grants from the above appropriations, the department of education may not refuse to make a grant to a school corporation or reduce the award that would otherwise be made to the school corporation because the school corporation used federal grants or loans, including Title I grants, to fund part or all of the school corporation's full day kindergarten program in a school year before the school year in which the grant will be given or because the school corporation intends to use federal grants or loans, including Title I grants, to fund part of the school corporation's full day kindergarten program in a school year in which the grant will be given.

The state board and department shall provide support to school corporations and charter

schools in the development and implementation of child centered and learning focused programs using the following methods:

(1) Targeting professional development funds to provide teachers in kindergarten through grade 3 education in:

(A) scientifically proven methods of teaching reading;

(B) the use of data to guide instruction; and

(C) the use of age appropriate literacy and mathematics assessments.

(2) Making uniform, predictively valid, observational assessments that:

(A) provide frequent information concerning the student's progress to the student's teacher; and

(B) measure the student's progress in literacy;

available to teachers in kindergarten through grade 3. Teachers shall monitor students participating in a program, and the school corporation or charter school shall report the results of the assessments to the parents of a child completing an assessment and to the department.

(3) Undertaking a longitudinal study of students in programs in Indiana to determine the achievement levels of the students in kindergarten and later grades.

TESTING AND REMEDIATION

Other Operating Expense	39,000,000	39,000,000
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Prior to notification of local school corporations of the formula and components of the formula for distributing funds for remediation, review and approval of the formula and components shall be made by the budget agency.

The above appropriation for testing and remediation shall be used by school corporations to provide remediation programs for students who attend public and nonpublic schools. For purposes of tuition support, these students are not to be counted in the average daily membership.

GRADUATION EXAM REMEDIATION

Other Operating Expense	4,958,910	4,958,910
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Prior to notification of local school corporations of the formula and components of the formula for distributing funds for graduation exam remediation, review and approval of the formula and components shall be made by the budget agency.

NON-ENGLISH SPEAKING PROGRAM

Other Operating Expense	7,000,000	7,000,000
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The above appropriation for the Non-English Speaking Program is for pupils who have a primary language other than English and limited English proficiency, as determined by using a standard proficiency examination that has been approved by the department of education.

The grant amount is two hundred dollars (\$200) per pupil. It is the intent of the 2009 general assembly that the above appropriation for the Non-English Speaking Program is the total allowable state expenditure for the program. If the expected distributions are anticipated to exceed the total appropriations for the state fiscal

year, the department of education shall reduce each school corporation's distribution proportionately.

GIFTED AND TALENTED EDUCATION PROGRAM

Personal Services	211,348	211,348
Other Operating Expense	12,788,801	12,788,801

DISTRIBUTION FOR ADULT VOCATIONAL EDUCATION

Total Operating Expense	250,000	250,000
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The distribution for adult career and technical education programs shall be made in accordance with the state plan for vocational education.

PRIMETIME

Personal Services	202,136	202,136
Other Operating Expense	32,053	32,053

DRUG FREE SCHOOLS

Personal Services	52,361	52,361
Other Operating Expense	20,093	20,093

PROFESSIONAL DEVELOPMENT DISTRIBUTION

Other Operating Expense	7,000,000	7,000,000
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The foregoing appropriation for professional development distributions includes schools defined under IC 20-31-2-8.

ALTERNATIVE EDUCATION

Total Operating Expense	6,380,319	6,380,319
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SENATOR DAVID C. FORD EDUCATIONAL TECHNOLOGY PROGRAM (IC 20-20-13)

General Fund

Total Operating Expense	6,000,000	6,000,000
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Build Indiana Fund (IC 4-30-17)

Total Operating Expense	3,000,000	3,000,000
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Of the above appropriations for the Senator David C. Ford Educational Technology Program, \$825,000 shall be allocated each year to the buddy system. The department shall use the remaining funds to make grants to school corporations to promote student learning through the use of technology. Notwithstanding distribution guidelines in IC 20-20-13, the department shall develop guidelines for distribution of the grants. Up to \$200,000 may be used each year to support the operation of the office of the special assistant to the superintendent of public instruction for technology.

PROFESSIONAL STANDARDS DIVISION

General Fund

2,882,513	2,882,513
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Professional Standards Board Licensing Fund

1,000,000	1,000,000
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The amounts specified for the professional standards division are for the following

purposes:

Personal Services	2,243,571	2,243,571
Other Operating Expense	1,638,942	1,638,942
Augmentation Allowed		

The above appropriations for the professional standards division do not include funds to pay stipends for mentor teachers.

SCHOOL BUSINESS OFFICIALS ACADEMY

Total Operating Expense	150,000	150,000
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The department shall make the foregoing appropriation for School Business Officials Academy available to the Indiana Association of School Business Officials to assist in the creation of an academy designed to strengthen the management and leadership skills of practicing Indiana school business officials.

PUBLIC TELEVISION DISTRIBUTION

Total Operating Expense	1,750,000	1,750,000
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These appropriations are for grants for public television. The Indiana Public Broadcasting Stations, Inc. shall submit a distribution plan for the eight Indiana public education television stations that shall be approved by the budget agency after review by the budget committee. The above appropriation includes the costs of transmission for the "GED-on-TV" program. Of the above appropriations, \$250,000 each year shall be distributed equally among the eight radio stations.

FOR THE INDIANA STATE TEACHERS' RETIREMENT FUND POSTRETIREMENT PENSION INCREASES

Other Operating Expense	58,190,084	60,517,687
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The appropriations for postretirement pension increases are made for those benefits and adjustments provided in IC 5-10.4 and IC 5-10.2-5.

TEACHERS' RETIREMENT FUND DISTRIBUTION

Other Operating Expense	629,116,164	654,280,810
Augmentation allowed.		

If the amount actually required under the pre-1996 account of the teachers' retirement fund for actual benefits for the Post Retirement Pension Increases that are funded on a "pay as you go" basis plus the base benefits under the pre-1996 account of the teachers' retirement fund is:

- (1) greater than the above appropriations for a year, after notice to the governor and the budget agency of the deficiency, the above appropriation for the year shall be augmented from the general fund. Any augmentation shall be included in the required pension stabilization calculation under IC 5-10.4; or
- (2) less than the above appropriations for a year, the excess shall be retained in the general fund. The portion of the benefit funded by the annuity account and the actuarially funded Post Retirement Pension Increases shall not be part of this calculation.

D. OTHER EDUCATION

FOR THE EDUCATION EMPLOYMENT RELATIONS BOARD

Personal Services	587,688	587,688
Other Operating Expense	52,720	52,720

FOR THE STATE LIBRARY

Personal Services	2,589,615	2,589,615
Other Operating Expense	850,689	850,689

STATEWIDE LIBRARY SERVICES

Total Operating Expense	1,593,503	1,593,503
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The foregoing appropriations for statewide library services will be used to provide services to libraries across the state. These services may include, but will not be limited to, programs including Wheels, I*Ask, and professional development. The state library shall identify statewide library services that are to be provided by a vendor. Those services identified by the library shall be procured through a competitive process using one or more requests for proposals covering the service.

LIBRARY SERVICES FOR THE BLIND - ELECTRONIC NEWSLINES

Other Operating Expense	36,400	36,400
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ACADEMY OF SCIENCE

Total Operating Expense	8,811	8,811
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FOR THE ARTS COMMISSION

Personal Services	373,720	373,720
Other Operating Expense	3,309,003	3,309,003

The foregoing appropriation to the arts commission includes \$625,000 each year to provide grants under IC 4-23-2.5 to:

(1) the arts organizations that have most recently qualified for general operating support as major arts organizations as determined by the arts commission;
and

(2) the significant regional organizations that have most recently qualified for general operating support as mid-major arts organizations, as determined by the arts commission and its regional re-granting partners.

FOR THE HISTORICAL BUREAU

Personal Services	361,055	361,055
Other Operating Expense	10,479	10,479

HISTORICAL MARKER PROGRAM

Total Operating Expense		25,444
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FOR THE COMMISSION ON PROPRIETARY EDUCATION

Personal Services	299,783	299,783
Other Operating Expense	22,040	22,040

SECTION 10. [EFFECTIVE JULY 1, 2009]

DISTRIBUTIONS

FOR THE AUDITOR OF STATE

HEA 1001 (2008) HOMESTEAD CREDITS

Total Operating Expense	110,000,000	40,000,000
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The above appropriations are for additional homestead credits for property taxes paid in 2009 and 2010.

GAMING TAX

Total Operating Expense	139,753,902	139,753,902
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SECTION 11. [EFFECTIVE JULY 1, 2009]

The following allocations of federal funds are available for vocational and technical education under the Carl D. Perkins Vocational and Technical Education Act of 1998 (20 U.S.C. 2301 et seq. for Vocational and Technical Education) (20 U.S.C. 2371 for Tech Prep Education). These funds shall be received by the department of workforce development, commission on vocational and technical education, and shall be allocated by the budget agency after consultation with the commission on vocational and technical education, the department of education, the commission for higher education, and the department of correction. Funds shall be allocated to these agencies in accordance with the allocations specified below:

STATE PROGRAMS AND LEADERSHIP

2,557,290	2,557,290
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SECONDARY VOCATIONAL PROGRAMS

14,318,661	14,318,661
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POSTSECONDARY VOCATIONAL PROGRAMS

8,202,039	8,202,039
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TECHNOLOGY - PREPARATION EDUCATION

2,463,650	2,463,650
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SECTION 12. [EFFECTIVE JULY 1, 2009]

In accordance with IC 22-4.1-13, the budget agency, with the advice of the commission on vocational and technical education and the budget committee, may augment or reduce an allocation of federal funds made under SECTION 11 of this act.

SECTION 13. [EFFECTIVE JULY 1, 2009]

Utility bills for the month of June, travel claims covering the period June 16 to June 30, payroll for the period of the last half of June, any interdepartmental bills for supplies or services for the month of June, and any other miscellaneous expenses incurred during the period June 16 to June 30 shall be charged to the appropriation for the succeeding year. No interdepartmental bill shall be recorded as a refund of expenditure to any current year allotment account for supplies or services rendered or delivered at any time during the preceding June period.

1
2 **SECTION 14. [EFFECTIVE JULY 1, 2009]**
3

4 The budget agency, under IC 4-10-11, IC 4-12-1-13, and IC 4-13-1, in cooperation
5 with the Indiana department of administration, may fix the amount of reimbursement
6 for traveling expenses (other than transportation) for travel within the limits of
7 Indiana. This amount may not exceed actual lodging and miscellaneous expenses incurred.
8 A person in travel status, as defined by the state travel policies and procedures
9 established by the Indiana department of administration and the budget agency, is
10 entitled to a meal allowance not to exceed during any twenty-four (24) hour period
11 the standard meal allowances established by the federal Internal Revenue Service.
12

13 All appropriations provided by this act or any other statute, for traveling and hotel
14 expenses for any department, officer, agent, employee, person, trustee, or commissioner,
15 are to be used only for travel within the state of Indiana, unless those expenses
16 are incurred in traveling outside the state of Indiana on trips that previously have
17 received approval as required by the state travel policies and procedures established
18 by the Indiana department of administration and the budget agency. With the required
19 approval, a reimbursement for out-of-state travel expenses may be granted in an amount
20 not to exceed actual lodging and miscellaneous expenses incurred. A person in travel
21 status is entitled to a meal allowance not to exceed during any twenty-four (24)
22 hour period the standard meal allowances established by the federal Internal Revenue
23 Service for properly approved travel within the continental United States and a minimum
24 of \$50 during any twenty-four (24) hour period for properly approved travel outside
25 the continental United States. However, while traveling in Japan, the minimum meal
26 allowance shall not be less than \$90 for any twenty-four (24) hour period. While
27 traveling in Korea and Taiwan, the minimum meal allowance shall not be less than
28 \$85 for any twenty-four (24) hour period. While traveling in Singapore, China, Great
29 Britain, Germany, the Netherlands, and France, the minimum meal allowance shall not
30 be less than \$65 for any twenty-four (24) hour period.
31

32 In the case of the state supported institutions of postsecondary education, approval
33 for out-of-state travel may be given by the chief executive officer of the institution,
34 or the chief executive officer's authorized designee, for the chief executive officer's
35 respective personnel.
36

37 Before reimbursing overnight travel expenses, the auditor of state shall require
38 documentation as prescribed in the state travel policies and procedures established
39 by the Indiana department of administration and the budget agency. No appropriation
40 from any fund may be construed as authorizing the payment of any sum in excess of
41 the standard mileage rates for personally owned transportation equipment established
42 by the federal Internal Revenue Service when used in the discharge of state business.
43 The Indiana department of administration and the budget agency may adopt policies
44 and procedures relative to the reimbursement of travel and moving expenses of new
45 state employees and the reimbursement of travel expenses of prospective employees
46 who are invited to interview with the state.
47

48 **SECTION 15. [EFFECTIVE JULY 1, 2009]**
49

1 Notwithstanding IC 4-10-11-2.1, the salary per diem of members of boards, commissions,
2 and councils who are entitled to a salary per diem is \$50 per day. However, members
3 of boards, commissions, or councils who receive an annual or a monthly salary paid
4 by the state are not entitled to the salary per diem provided in IC 4-10-11-2.1.

5
6 **SECTION 16. [EFFECTIVE JULY 1, 2009]**

7
8 No payment for personal services shall be made by the auditor of state unless the
9 payment has been approved by the budget agency or the designee of the budget agency.

10
11 **SECTION 17. [EFFECTIVE JULY 1, 2009]**

12
13 No warrant for operating expenses, capital outlay, or fixed charges shall be issued
14 to any department or an institution unless the receipts of the department or institution
15 have been deposited into the state treasury for the month. However, if a department
16 or an institution has more than \$10,000 in daily receipts, the receipts shall be
17 deposited into the state treasury daily.

18
19 **SECTION 18. [EFFECTIVE JULY 1, 2009]**

20
21 In case of loss by fire or any other cause involving any state institution or department,
22 the proceeds derived from the settlement of any claim for the loss shall be deposited
23 in the state treasury, and the amount deposited is hereby reappropriated to the institution
24 or department for the purpose of replacing the loss. If it is determined that the
25 loss shall not be replaced, any funds received from the settlement of a claim shall
26 be deposited into the state general fund.

27
28 **SECTION 19. [EFFECTIVE JULY 1, 2009]**

29
30 If an agency has computer equipment in excess of the needs of that agency, then the
31 excess computer equipment may be sold under the provisions of surplus property sales,
32 and the proceeds of the sale or sales shall be deposited in the state treasury. The
33 amount so deposited is hereby reappropriated to that agency for other operating expenses
34 of the then current year, if approved by the director of the budget agency.

35
36 **SECTION 20. [EFFECTIVE JULY 1, 2009]**

37
38 If any state penal or benevolent institution other than the Indiana state prison,
39 Pendleton correctional facility, or Putnamville correctional facility shall, in the
40 operation of its farms, produce products or commodities in excess of the needs of
41 the institution, the surplus may be sold through the division of industries and farms,
42 the director of the supply division of the Indiana department of administration,
43 or both. The proceeds of any such sale or sales shall be deposited in the state treasury.
44 The amount deposited is hereby reappropriated to the institution for expenses of
45 the then current year if approved by the director of the budget agency. The exchange
46 between state penal and benevolent institutions of livestock for breeding purposes
47 only is hereby authorized at valuations agreed upon between the superintendents or
48 wardens of the institutions. Capital outlay expenditures may be made from the institutional
49 industries and farms revolving fund if approved by the budget agency and the governor.

1
2 **SECTION 21. [EFFECTIVE JULY 1, 2009]**
3

4 This act does not authorize any rehabilitation and repairs to any state buildings,
5 nor does it allow that any obligations be incurred for lands and structures, without
6 the prior approval of the budget director or the director's designee. This SECTION
7 does not apply to contracts for the state universities supported in whole or in part
8 by state funds.
9

10 **SECTION 22. [EFFECTIVE JULY 1, 2009]**
11

12 If an agency has an annual appropriation fixed by law, and if the agency also receives
13 an appropriation in this act for the same function or program, the appropriation
14 in this act supersedes any other appropriations and is the total appropriation for
15 the agency for that program or function.
16

17 **SECTION 23. [EFFECTIVE JULY 1, 2009]**
18

19 The balance of any appropriation or funds heretofore placed or remaining to the credit
20 of any division of the state of Indiana, and any appropriation or funds provided
21 in this act placed to the credit of any division of the state of Indiana, the powers,
22 duties, and functions whereof are assigned and transferred to any department for
23 salaries, maintenance, operation, construction, or other expenses in the exercise
24 of such powers, duties, and functions, shall be transferred to the credit of the
25 department to which such assignment and transfer is made, and the same shall be available
26 for the objects and purposes for which appropriated originally.
27

28 **SECTION 24. [EFFECTIVE JULY 1, 2009]**
29

30 The director of the division of procurement of the Indiana department of administration,
31 or any other person or agency authorized to make purchases of equipment, shall not
32 honor any requisition for the purchase of an automobile that is to be paid for from
33 any appropriation made by this act or any other act, unless the following facts are
34 shown to the satisfaction of the commissioner of the Indiana department of administration
35 or the commissioner's designee:

36 (1) In the case of an elected state officer, it shall be shown that the duties of
37 the office require driving about the state of Indiana in the performance of official
38 duty.

39 (2) In the case of department or commission heads, it shall be shown that the statutory
40 duties imposed in the discharge of the office require traveling a greater distance
41 than one thousand (1,000) miles each month or that they are subject to official duty
42 call at all times.

43 (3) In the case of employees, it shall be shown that the major portion of the duties
44 assigned to the employee require travel on state business in excess of one thousand
45 (1,000) miles each month, or that the vehicle is identified by the agency as an integral
46 part of the job assignment.
47

48 In computing the number of miles required to be driven by a department head or an
49 employee, the distance between the individual's home and office or designated official

1 station is not to be considered as a part of the total. Department heads shall annually
2 submit justification for the continued assignment of each vehicle in their department,
3 which shall be reviewed by the commissioner of the Indiana department of administration,
4 or the commissioner's designee. There shall be an insignia permanently affixed on
5 each side of all state owned cars, designating the cars as being state owned. However,
6 this requirement does not apply to state owned cars driven by elected state officials
7 or to cases where the commissioner of the Indiana department of administration or
8 the commissioner's designee determines that affixing insignia on state owned cars
9 would hinder or handicap the persons driving the cars in the performance of their
10 official duties.

11
12 **SECTION 25. [EFFECTIVE JULY 1, 2009]**

13
14 When budget agency approval or review is required under this act, the budget agency
15 may refer to the budget committee any budgetary or fiscal matter for an advisory
16 recommendation. The budget committee may hold hearings and take any actions authorized
17 by IC 4-12-1-11, and may make an advisory recommendation to the budget agency.
18

19 **SECTION 26. [EFFECTIVE JULY 1, 2009]**

20
21 The governor of the state of Indiana is solely authorized to accept on behalf of
22 the state any and all federal funds available to the state of Indiana. Federal funds
23 received under this SECTION are appropriated for purposes specified by the federal
24 government, subject to allotment by the budget agency. The provisions of this SECTION
25 and all other SECTIONS concerning the acceptance, disbursement, review, and approval
26 of any grant, loan, or gift made by the federal government or any other source to
27 the state or its agencies and political subdivisions shall apply, notwithstanding
28 any other law.
29

30 **SECTION 27. [EFFECTIVE JULY 1, 2009]**

31
32 Federal funds received as revenue by a state agency or department are not available
33 to the agency or department for expenditure until allotment has been made by the
34 budget agency under IC 4-12-1-12(d).
35

36 **SECTION 28. [EFFECTIVE JULY 1, 2009]**

37
38 A contract or an agreement for personal services or other services may not be entered
39 into by any agency or department of state government without the approval of the
40 budget agency or the designee of the budget director.
41

42 **SECTION 29. [EFFECTIVE JULY 1, 2009]**

43
44 Except in those cases where a specific appropriation has been made to cover the payments
45 for any of the following, the auditor of state shall transfer, from the personal
46 services appropriations for each of the various agencies and departments, necessary
47 payments for Social Security, public employees' retirement, health insurance, life
48 insurance, and any other similar payments directed by the budget agency.
49

SECTION 30. [EFFECTIVE JULY 1, 2009]

Subject to SECTION 25 of this act as it relates to the budget committee, the budget agency with the approval of the governor may withhold allotments of any or all appropriations contained in this act for the 2009-2011 biennium, if it is considered necessary to do so in order to prevent a deficit financial situation.

SECTION 31. [EFFECTIVE JULY 1, 2009]

CONSTRUCTION

For the 2009-2011 biennium, the following amounts, from the funds listed as follows, are hereby appropriated to provide for the construction, reconstruction, rehabilitation, repair, purchase, rental, and sale of state properties, capital lease rentals, and the purchase and sale of land, including equipment for such properties and other projects as specified.

State General Fund - Lease Rentals	
	328,620,484
State General Fund - Construction	
	104,834,276
State Police Building Commission Fund (IC 9-29-1-4)	
	3,200,000
Law Enforcement Academy Building Fund (IC 5-2-1-13(a))	
	330,727
Cigarette Tax Fund (IC 6-7-1-29.1)	
	3,600,000
Veterans' Home Building Fund (IC 10-17-9-7)	
	5,449,777
Postwar Construction Fund (IC 7.1-4-8-1)	
	34,411,484
Regional Health Care Construction Account (IC 4-12-8.5)	
	21,489,259
Build Indiana Fund (IC 4-30-17)	
	9,000,000
State Highway Fund (IC 8-23-9-54)	
	25,000,000
American Recovery and Reinvestment Act	
	63,570,098
TOTAL	599,506,105

The allocations provided under this SECTION are made from the state general fund, unless specifically authorized from other designated funds by this act. The budget agency, with the approval of the governor, in approving the allocation of funds pursuant to this SECTION, shall consider, as funds are available, allocations for the following specific uses, purposes, and projects:

A. GENERAL GOVERNMENT

1		
2	FOR THE SENATE	
3	Remodeling	260,000
4		
5	FOR THE STATE BUDGET AGENCY	
6	Health and Safety Contingency Fund	5,000,000
7	Aviation Technology Center	2,471,771
8	Airport Facilities Lease	45,301,441
9	Stadium Lease Rental	82,000,000
10		
11	DEPARTMENT OF ADMINISTRATION - PROJECTS	
12	Preventive Maintenance	7,841,835
13	Repair and Rehabilitation	5,335,000
14	DEPARTMENT OF ADMINISTRATION - LEASES	
15	General Fund	
16	Lease - Government Center North	27,872,783
17	Lease - Government Center South	34,073,925
18	Lease - State Museum	14,579,033
19	Lease - McCarty Street Warehouse	1,509,375
20	Lease - Parking Garages	10,428,265
21	Lease - Toxicology Lab	10,593,099
22	Lease - Wabash Valley Correctional	36,517,566
23	Lease - Miami Correctional	29,364,180
24	Lease - Pendleton Juvenile Correctional	10,217,237
25	Lease - New Castle Correctional	23,691,809
26	Postwar Construction Fund (IC 7.1-4-8-1)	
27	Lease - Rockville Correctional	10,783,470
28	Lease - Miami Correctional	1,500,000
29	Lease - Wabash Valley Correctional	1,500,000
30	Regional Health Care Construction Account (IC 4-12-8.5)	
31	Lease - Evansville State Hospital	5,462,562
32	Lease - Southeast Regional Treatment	10,358,654
33	Lease - Logansport State Hospital	5,668,043
34		
35	B. PUBLIC SAFETY	
36		
37	(1) LAW ENFORCEMENT	
38		
39	INDIANA STATE POLICE	
40	State Police Building Commission Fund (IC 9-29-1-4)	
41	Preventive Maintenance	1,015,000
42	Repair and Rehabilitation	2,185,000
43	LAW ENFORCEMENT TRAINING BOARD	
44	Law Enforcement Academy Building Fund (IC 5-2-1-13(a))	
45	Preventive Maintenance	330,727
46	ADJUTANT GENERAL	
47	Preventive Maintenance	250,000
48	Land Acquisition	4,000,000
49		

1	(2) CORRECTIONS	
2		
3	DEPARTMENT OF CORRECTION - PROJECTS	
4	Preventive Maintenance	76,828
5	CORRECTIONAL UNITS	
6	Preventive Maintenance	1,438,770
7	STATE PRISON	
8	Preventive Maintenance	954,492
9	Postwar Construction Fund (IC 7.1-4-8-1)	
10	Repair and Rehabilitation	2,298,000
11	PENDLETON CORRECTIONAL FACILITY	
12	Preventive Maintenance	1,257,064
13	Postwar Construction Fund (IC 7.1-4-8-1)	
14	Repair and Rehabilitation	3,465,000
15	WOMEN'S PRISON	
16	Preventive Maintenance	538,832
17	Postwar Construction Fund (IC 7.1-4-8-1)	
18	Repair and Rehabilitation	291,000
19	NEW CASTLE CORRECTIONAL FACILITY	
20	Preventive Maintenance	350,388
21	Postwar Construction Fund (IC 7.1-4-8-1)	
22	Repair and Rehabilitation	365,000
23	PUTNAMVILLE CORRECTIONAL FACILITY	
24	Preventive Maintenance	864,822
25	Postwar Construction Fund (IC 7.1-4-8-1)	
26	Construct New Fire Station	250,000
27	Repair and Rehabilitation	1,570,000
28	PLAINFIELD EDUCATION RE-ENTRY FACILITY	
29	Preventive Maintenance	322,804
30	Postwar Construction Fund (IC 7.1-4-8-1)	
31	Repair and Rehabilitation	740,000
32	INDIANAPOLIS JUVENILE CORRECTIONAL FACILITY	
33	Preventive Maintenance	395,510
34	Postwar Construction Fund (IC 7.1-4-8-1)	
35	Repair and Rehabilitation	212,500
36	BRANCHVILLE CORRECTIONAL FACILITY	
37	Preventive Maintenance	272,932
38	WESTVILLE CORRECTIONAL FACILITY	
39	Preventive Maintenance	806,330
40	Postwar Construction Fund (IC 7.1-4-8-1)	
41	Repair and Rehabilitation	2,300,000
42	ROCKVILLE CORRECTIONAL FACILITY	
43	Preventive Maintenance	357,296
44	PLAINFIELD CORRECTIONAL FACILITY	
45	Preventive Maintenance	663,704
46	Postwar Construction Fund (IC 7.1-4-8-1)	
47	Repair and Rehabilitation	1,054,000
48	RECEPTION-DIAGNOSTIC CENTER	
49	Preventive Maintenance	214,464

	<i>FY 2009-2010</i>	<i>FY 2010-2011</i>	<i>Biennial</i>
	<i>Appropriation</i>	<i>Appropriation</i>	<i>Appropriation</i>
1	Postwar Construction Fund (IC 7.1-4-8-1)		
2	Repair and Rehabilitation		692,000
3	CORRECTIONAL INDUSTRIAL FACILITY		
4	Preventive Maintenance		584,172
5	Postwar Construction Fund (IC 7.1-4-8-1)		
6	Repair and Rehabilitation		1,853,000
7	WABASH VALLEY CORRECTIONAL FACILITY		
8	Preventive Maintenance		608,820
9	Postwar Construction Fund (IC 7.1-4-8-1)		
10	Repair and Rehabilitation		160,000
11	CHAIN O' LAKES CORRECTIONAL FACILITY		
12	Preventive Maintenance		76,828
13	Postwar Construction Fund (IC 7.1-4-8-1)		
14	Construct New Maintenance Building		180,000
15	Construct New Dormitory		320,000
16	MADISON CORRECTIONAL FACILITY		
17	Postwar Construction Fund (IC 7.1-4-8-1)		
18	Repair and Rehabilitation		90,000
19	MIAMI CORRECTIONAL FACILITY		
20	Preventive Maintenance		664,560
21	CAMP SUMMIT CORRECTIONAL FACILITY		
22	Postwar Construction Fund (IC 7.1-4-8-1)		
23	Repair and Rehabilitation		470,000
24	PENDLETON JUVENILE CORRECTIONAL FACILITY		
25	Preventive Maintenance		228,738
26			
27	C. CONSERVATION AND ENVIRONMENT		
28			
29	DEPARTMENT OF NATURAL RESOURCES - GENERAL ADMINISTRATION		
30	Preventive Maintenance		150,000
31	Repair and Rehabilitation		1,000,000
32	FISH AND WILDLIFE		
33	Preventive Maintenance		2,000,000
34	Repair and Rehabilitation		3,650,000
35	FORESTRY		
36	Preventive Maintenance		2,000,000
37	Repair and Rehabilitation		4,000,000
38	MUSEUMS AND HISTORIC SITES		
39	Preventive Maintenance		475,000
40	Historic Sites Exhibits		650,000
41	Repair and Rehabilitation		2,720,000
42	NATURE PRESERVES		
43	Preventive Maintenance		230,000
44	Repair and Rehabilitation		1,268,542
45	OUTDOOR RECREATION		
46	Preventive Maintenance		50,000
47	Outdoor Rec. SCORP		40,000
48	Repair and Rehabilitation		473,645
49	STATE PARKS AND RESERVOIR MANAGEMENT		

1	Preventive Maintenance	2,900,000
2	Repair and Rehabilitation	21,563,689
3	State Parks Bond Payments	917,028
4	Falls of the Ohio Lease	364,000
5	Cigarette Tax Fund (IC 6-7-1-29.1)	
6	Preventive Maintenance	3,600,000
7	DIVISION OF WATER	
8	Preventive Maintenance	125,000
9	Div. of Water Flood Plain Mapping	400,000
10	Repair and Rehabilitation	2,425,000
11	ENFORCEMENT	
12	Preventive Maintenance	250,000
13	STATE MUSEUM	
14	Preventive Maintenance	762,500
15	ENTOMOLOGY	
16	Repair and Rehabilitation	1,000,000
17	WAR MEMORIALS COMMISSION	
18	Preventive Maintenance	1,234,000
19	IWM Fire Suppression/Material abate	300,000
20	Indiana War Memorial ADA Access	250,000
21	Repair and Rehabilitation	692,000
22	LITTLE CALUMET RIVER BASIN COMMISSION	
23	Build Indiana Fund (IC 4-30-17)	
24	Repair and Rehabilitation	9,000,000
25	KANKAKEE RIVER BASIN COMMISSION	
26	ARRA State Fiscal Stabilization Fund (Section 14002(b))	
27	Repair and Rehabilitation	1,500,000

D. TRANSPORTATION

DEPARTMENT OF TRANSPORTATION

State Highway Fund (IC 8-23-9-54)

Buildings and Grounds	25,000,000
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The above appropriations for highway buildings and grounds may be used for land acquisition, site development, construction and equipping of new highway facilities and for maintenance, repair, and rehabilitation of existing state highway facilities after review by the budget committee.

AIRPORT DEVELOPMENT

Airport Development	2,400,000
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The foregoing allocation for the Indiana department of transportation is for airport development and shall be used for the purpose of assisting local airport authorities and local units of governments in matching available federal funds under the airport improvement program and for matching federal grants for airport planning and for the other airport studies. Matching grants of aid shall be made in accordance with the approved annual capital improvements program of the Indiana department of transportation and with the approval of the governor and the budget agency.

E. FAMILY AND SOCIAL SERVICES, HEALTH, AND VETERANS' AFFAIRS

(1) FAMILY AND SOCIAL SERVICES ADMINISTRATION

EVANSVILLE PSYCHIATRIC CHILDREN'S CENTER

Preventive Maintenance 45,000

Repair and Rehabilitation 287,660

EVANSVILLE STATE HOSPITAL

Preventive Maintenance 500,000

Repair and Rehabilitation 360,000

MADISON STATE HOSPITAL

Preventive Maintenance 971,409

Repair and Rehabilitation 956,800

LOGANSPOUT STATE HOSPITAL

Preventive Maintenance 963,144

Repair and Rehabilitation 4,486,700

RICHMOND STATE HOSPITAL

Preventive Maintenance 1,210,724

Repair and Rehabilitation 2,403,700

LARUE CARTER MEMORIAL HOSPITAL

Preventive Maintenance 3,863,118

(2) PUBLIC HEALTH

SCHOOL FOR THE BLIND AND VISUALLY IMPAIRED

Preventive Maintenance 565,714

Postwar Construction Fund (IC 7.1-4-8-1)

Repair and Rehabilitation 2,288,013

SCHOOL FOR THE DEAF

Preventive Maintenance 565,714

Postwar Construction Fund (IC 7.1-4-8-1)

Repair and Rehabilitation 2,029,501

(3) VETERANS' AFFAIRS

INDIANA VETERANS' HOME

Veterans' Home Building Fund (IC 10-17-9-7)

Preventive Maintenance 1,500,000

Repair and Rehabilitation 3,949,777

F. EDUCATION

HIGHER EDUCATION

INDIANA UNIVERSITY - TOTAL SYSTEM

ARRA State Fiscal Stabilization Fund (Section 14002(a))

General Repair and Rehab 25,202,564

PURDUE UNIVERSITY - TOTAL SYSTEM

1	ARRA State Fiscal Stabilization Fund (Section 14002(a))	
2	General Repair and Rehab	19,777,318
3	INDIANA STATE UNIVERSITY	
4	ARRA State Fiscal Stabilization Fund (Section 14002(a))	
5	General Repair and Rehab	4,681,980
6	UNIVERSITY OF SOUTHERN INDIANA	
7	ARRA State Fiscal Stabilization Fund (Section 14002(a))	
8	General Repair and Rehab	1,121,926
9	BALL STATE UNIVERSITY	
10	ARRA State Fiscal Stabilization Fund (Section 14002(a))	
11	General Repair and Rehab	6,726,300
12	VINCENNES UNIVERSITY	
13	ARRA State Fiscal Stabilization Fund (Section 14002(a))	
14	General Repair and Rehab	2,272,968
15	IVY TECH COMMUNITY COLLEGE	
16	ARRA State Fiscal Stabilization Fund (Section 14002(a))	
17	General Repair and Rehab	2,287,042

18
19 **SECTION 32. [EFFECTIVE JULY 1, 2008 (RETROACTIVE)]**

20
21 **A. MEDICAID**

22
23 The appropriation from the state general fund for the period beginning July 1, 2008,
24 and ending June 30, 2009, as set forth in P.L. 234-2007, SECTION 8, Part A, that
25 was made to the budget agency for Medicaid current obligations total operating
26 expense in the amount of one billion six hundred seventeen million three hundred
27 sixty-seven thousand five hundred dollars (\$1,617,367,500) is canceled.

28
29 For the period beginning July 1, 2008, and ending June 30, 2009, one billion three
30 hundred thirteen million three hundred sixty-seven thousand five hundred dollars
31 (\$1,313,367,500) is appropriated to the budget agency from the state general
32 fund for Medicaid current obligations total operating expense.

33
34 **B. HIGHER EDUCATION OPERATING**

35
36 The following appropriations from the state general fund for higher education
37 that are set forth in P.L. 234-2007, SECTIONS 6 and 9, for the state fiscal year
38 beginning July 1, 2008, and ending June 30, 2009, or for the biennium, are canceled:

39
40 **FOR INDIANA UNIVERSITY, BLOOMINGTON CAMPUS**

41 Total Operating Expense 202,202,196

42
43 **FOR INDIANA UNIVERSITY, REGIONAL CAMPUSES**
44 **EAST**

45 Total Operating Expense 8,322,137

46 **KOKOMO**

47 Total Operating Expense 10,817,455

48 **NORTHWEST**

49 Total Operating Expense 18,061,296

1	SOUTH BEND		
2	Total Operating Expense	23,236,007	
3	SOUTHEAST		
4	Total Operating Expense	20,848,802	
5			
6	FOR INDIANA UNIVERSITY - PURDUE UNIVERSITY INDIANAPOLIS		
7	HEALTH DIVISIONS		
8	Total Operating Expense	112,236,327	
9			
10	FOR INDIANA UNIVERSITY SCHOOL OF MEDICINE		
11	THE CAMPUS OF THE UNIVERSITY OF SOUTHERN INDIANA		
12	Total Operating Expense	1,610,361	
13	THE CAMPUS OF INDIANA UNIVERSITY-PURDUE UNIVERSITY FORT WAYNE		
14	Total Operating Expense	1,481,430	
15	THE CAMPUS OF INDIANA UNIVERSITY NORTHWEST		
16	Total Operating Expense	2,104,574	
17	THE CAMPUS OF PURDUE UNIVERSITY		
18	Total Operating Expense	1,878,629	
19	THE CAMPUS OF BALL STATE UNIVERSITY		
20	Total Operating Expense	1,689,194	
21	THE CAMPUS OF THE UNIVERSITY OF NOTRE DAME		
22	Total Operating Expense	1,566,525	
23	THE CAMPUS OF INDIANA STATE UNIVERSITY		
24	Total Operating Expense	1,867,636	
25			
26	FOR INDIANA UNIVERSITY - PURDUE UNIVERSITY AT INDIANAPOLIS		
27	GENERAL ACADEMIC DIVISIONS		
28	Total Operating Expense	83,311,562	
29			
30	FOR INDIANA UNIVERSITY		
31	ABILENE NETWORK OPERATIONS CENTER		
32	Total Operating Expense	867,288	
33	SPINAL CORD AND HEAD INJURY RESEARCH CENTER		
34	Total Operating Expense	546,073	
35	INSTITUTE FOR THE STUDY OF DEVELOPMENTAL DISABILITIES		
36	Total Operating Expense	2,580,667	
37	GEOLOGICAL SURVEY		
38	Total Operating Expense	3,231,504	
39	LOCAL GOVERNMENT ADVISORY COMMISSION		
40	Total Operating Expense	58,899	
41			
42	FOR PURDUE UNIVERSITY, WEST LAFAYETTE		
43	Total Operating Expense	262,033,737	
44			
45	FOR PURDUE UNIVERSITY - REGIONAL CAMPUSES		
46	CALUMET		
47	Total Operating Expense	28,212,704	
48	NORTH CENTRAL		
49	Total Operating Expense	11,969,824	

FOR INDIANA UNIVERSITY - PURDUE UNIVERSITY, AT FORT WAYNE

Total Operating Expense 38,449,705

FOR PURDUE UNIVERSITY

ANIMAL DISEASE DIAGNOSTIC LABORATORY SYSTEM

Total Operating Expense 3,593,444

STATEWIDE TECHNOLOGY

Total Operating Expense 6,702,020

COUNTY AGRICULTURAL EXTENSION EDUCATORS

Total Operating Expense 7,536,047

AGRICULTURAL RESEARCH AND EXTENSION - CROSSROADS

Total Operating Expense 7,540,584

CENTER FOR PARALYSIS RESEARCH

Total Operating Expense 544,331

UNIVERSITY-BASED BUSINESS ASSISTANCE

Total Operating Expense 1,967,749

FOR INDIANA STATE UNIVERSITY

Total Operating Expense 76,911,131

Nursing Program 250,000

FOR UNIVERSITY OF SOUTHERN INDIANA

Total Operating Expense 40,387,429

HISTORIC NEW HARMONY

Total Operating Expense 576,488

FOR BALL STATE UNIVERSITY

Total Operating Expense 130,381,244

ENTREPRENEURIAL COLLEGE

Total Operating Expense 1,000,000

ACADEMY FOR SCIENCE, MATHEMATICS, AND HUMANITIES

Total Operating Expense 4,451,913

FOR VINCENNES UNIVERSITY

Total Operating Expense 38,967,141

FOR IVY TECH COMMUNITY COLLEGE

Total Operating Expense 162,415,053

VALPO NURSING PARTNERSHIP

Total Operating Expense 104,671

FOR THE INDIANA HIGHER EDUCATION TELECOMMUNICATIONS SYSTEM (IHETS)

Total Operating Expense 4,972,024

For the state fiscal year beginning July 1, 2008, and ending June 30, 2009, the following amounts are appropriated for higher education total operating expenses from the state general fund and from money received for higher education under Division A, Title

XIV of the federal American Recovery and Reinvestment Act of 2009 (referred to as ARRA" in this SECTION):

FOR INDIANA UNIVERSITY, BLOOMINGTON CAMPUS

General Fund	200,180,174
ARRA State Fiscal Stabilization Fund (Section 14002(a))	
	2,022,022
Total Operating Expense	202,202,196

FOR INDIANA UNIVERSITY REGIONAL CAMPUSES

EAST

General Fund	8,238,916
ARRA State Fiscal Stabilization Fund (Section 14002(a))	
	83,221
Total Operating Expense	8,322,137

KOKOMO

General Fund	10,709,280
ARRA State Fiscal Stabilization Fund (Section 14002(a))	
	108,175
Total Operating Expense	10,817,455

NORTHWEST

General Fund	17,880,683
ARRA State Fiscal Stabilization Fund (Section 14002(a))	
	180,613
Total Operating Expense	18,061,296

SOUTH BEND

General Fund	23,003,647
ARRA State Fiscal Stabilization Fund (Section 14002(a))	
	232,360
Total Operating Expense	23,236,007

SOUTHEAST

General Fund	20,640,314
ARRA State Fiscal Stabilization Fund (Section 14002(a))	
	208,488
Total Operating Expense	20,848,802

FOR INDIANA UNIVERSITY - PURDUE UNIVERSITY INDIANAPOLIS (IUPUI)

HEALTH DIVISIONS

General Fund	111,113,964
ARRA State Fiscal Stabilization Fund (Section 14002(a))	
	1,122,363
Total Operating Expense	112,236,327

FOR INDIANA UNIVERSITY SCHOOL OF MEDICINE

THE CAMPUS OF THE UNIVERSITY OF SOUTHERN INDIANA

General Fund	1,594,256
ARRA State Fiscal Stabilization Fund (Section 14002(a))	
	16,105
Total Operating Expense	1,610,361

THE CAMPUS OF INDIANA UNIVERSITY-PURDUE UNIVERSITY FORT WAYNE

1	General Fund	1,466,616
2	ARRA State Fiscal Stabilization Fund (Section 14002(a))	
3		14,814
4	Total Operating Expense	1,481,430
5	THE CAMPUS OF INDIANA UNIVERSITY NORTHWEST	
6	General Fund	2,083,528
7	ARRA State Fiscal Stabilization Fund (Section 14002(a))	
8		21,046
9	Total Operating Expense	2,104,574
10	THE CAMPUS OF PURDUE UNIVERSITY	
11	General Fund	1,859,843
12	ARRA State Fiscal Stabilization Fund (Section 14002(a))	
13		18,786
14	Total Operating Expense	1,878,629
15	THE CAMPUS OF BALL STATE UNIVERSITY	
16	General Fund	1,672,302
17	ARRA State Fiscal Stabilization Fund (Section 14002(a))	
18		16,892
19	Total Operating Expense	1,689,194
20	THE CAMPUS OF THE UNIVERSITY OF NOTRE DAME	
21	General Fund	1,550,860
22	ARRA State Fiscal Stabilization Fund (Section 14002(a))	
23		15,665
24	Total Operating Expense	1,566,525
25	THE CAMPUS OF INDIANA STATE UNIVERSITY	
26	General Fund	1,848,960
27	ARRA State Fiscal Stabilization Fund (Section 14002(a))	
28		18,676
29	Total Operating Expense	1,867,636
30		
31	FOR INDIANA UNIVERSITY - PURDUE UNIVERSITY AT INDIANAPOLIS (IUPUI),	
32	GENERAL ACADEMIC DIVISIONS	
33	General Fund	82,478,446
34	ARRA State Fiscal Stabilization Fund (Section 14002(a))	
35		833,116
36	Total Operating Expense	83,311,562
37		
38	FOR INDIANA UNIVERSITY	
39	ABILENE NETWORK OPERATIONS CENTER	
40	General Fund	858,615
41	ARRA State Fiscal Stabilization Fund (Section 14002(a))	
42		8,673
43	Total Operating Expense	867,288
44	SPINAL CORD AND HEAD INJURY RESEARCH CENTER	
45	General Fund	540,612
46	ARRA State Fiscal Stabilization Fund (Section 14002(a))	
47		5,461
48	Total Operating Expense	546,073
49	INSTITUTE FOR THE STUDY OF DEVELOPMENTAL DISABILITIES	

1	General Fund	2,554,860
2	ARRA State Fiscal Stabilization Fund (Section 14002(a))	
3		25,807
4	Total Operating Expense	2,580,667
5	GEOLOGICAL SURVEY	
6	General Fund	3,199,188
7	ARRA State Fiscal Stabilization Fund (Section 14002(a))	
8		32,316
9	Total Operating Expense	3,231,504
10	LOCAL GOVERNMENT ADVISORY COMMISSION	
11	General Fund	58,310
12	ARRA State Fiscal Stabilization Fund (Section 14002(a))	
13		589
14	Total Operating Expense	58,899
15		
16	FOR PURDUE UNIVERSITY, WEST LAFAYETTE	
17	General Fund	259,413,399
18	ARRA State Fiscal Stabilization Fund (Section 14002(a))	
19		2,620,338
20	Total Operating Expense	262,033,737
21		
22	FOR PURDUE UNIVERSITY - REGIONAL CAMPUSES	
23	CALUMET	
24	General Fund	27,930,577
25	ARRA State Fiscal Stabilization Fund (Section 14002(a))	
26		282,127
27	Total Operating Expense	28,212,704
28	NORTH CENTRAL	
29	General Fund	11,850,126
30	ARRA State Fiscal Stabilization Fund (Section 14002(a))	
31		119,698
32	Total Operating Expense	11,969,824
33		
34	FOR INDIANA UNIVERSITY - PURDUE UNIVERSITY, AT FORT WAYNE (IPFW)	
35	General Fund	38,065,207
36	ARRA State Fiscal Stabilization Fund (Section 14002(a))	
37		384,498
38	Total Operating Expense	38,449,705
39		
40	FOR PURDUE UNIVERSITY	
41	ANIMAL DISEASE DIAGNOSTIC LABORATORY SYSTEM	
42	General Fund	3,557,509
43	ARRA State Fiscal Stabilization Fund (Section 14002(a))	
44		35,935
45	Total Operating Expense	3,593,444
46	STATEWIDE TECHNOLOGY	
47	General Fund	6,634,999
48	ARRA State Fiscal Stabilization Fund (Section 14002(a))	
49		67,021

1	Total Operating Expense	6,702,020
2	COUNTY AGRICULTURAL EXTENSION EDUCATORS	
3	General Fund	7,460,686
4	ARRA State Fiscal Stabilization Fund (Section 14002(a))	
5		75,361
6	Total Operating Expense	7,536,047
7	AGRICULTURAL RESEARCH AND EXTENSION - CROSSROADS	
8	General Fund	7,465,178
9	ARRA State Fiscal Stabilization Fund (Section 14002(a))	
10		75,406
11	Total Operating Expense	7,540,584
12	CENTER FOR PARALYSIS RESEARCH	
13	General Fund	538,887
14	ARRA State Fiscal Stabilization Fund (Section 14002(a))	
15		5,444
16	Total Operating Expense	544,331
17	UNIVERSITY-BASED BUSINESS ASSISTANCE	
18	General Fund	1,948,071
19	ARRA State Fiscal Stabilization Fund (Section 14002(a))	
20		19,678
21	Total Operating Expense	1,967,749
22		
23	FOR INDIANA STATE UNIVERSITY	
24	General Fund	76,142,019
25	ARRA State Fiscal Stabilization Fund (Section 14002(a))	
26		769,112
27	Total Operating Expense	76,911,131
28	ISU NURSING PROGRAM	
29	General Fund	247,500
30	ARRA State Fiscal Stabilization Fund (Section 14002(a))	
31		2,500
32	Total Operating Expense	250,000
33		
34	FOR UNIVERSITY OF SOUTHERN INDIANA	
35	General Fund	39,983,554
36	ARRA State Fiscal Stabilization Fund (Section 14002(a))	
37		403,875
38	Total Operating Expense	40,387,429
39	HISTORIC NEW HARMONY	
40	General Fund	570,723
41	ARRA State Fiscal Stabilization Fund (Section 14002(a))	
42		5,765
43	Total Operating Expense	576,488
44		
45	FOR BALL STATE UNIVERSITY	
46	General Fund	129,077,431
47	ARRA State Fiscal Stabilization Fund (Section 14002(a))	
48		1,303,813
49	Total Operating Expense	130,381,244

1 ENTREPRENEURIAL COLLEGE

2 General Fund 990,000
3 ARRA State Fiscal Stabilization Fund (Section 14002(a))
4 10,000
5 Total Operating Expense 1,000,000

6 ACADEMY FOR SCIENCE, MATHEMATICS, AND HUMANITIES

7 General Fund 4,407,399
8 ARRA State Fiscal Stabilization Fund (Section 14002(a))
9 44,514
10 Total Operating Expense 4,451,913

11

12 FOR VINCENNES UNIVERSITY

13 General Fund 38,577,469
14 ARRA State Fiscal Stabilization Fund (Section 14002(a))
15 389,672
16 Total Operating Expense 38,967,141

17

18 FOR IVY TECH COMMUNITY COLLEGE

19 General Fund 160,790,902
20 ARRA State Fiscal Stabilization Fund (Section 14002(a))
21 1,624,151
22 Total Operating Expense 162,415,053

23 VALPO NURSING PARTNERSHIP

24 General Fund 103,624
25 ARRA State Fiscal Stabilization Fund (Section 14002(a))
26 1,047
27 Total Operating Expense 104,671

28

29 FOR THE INDIANA HIGHER EDUCATION TELECOMMUNICATIONS SYSTEM (IHETS)

30 General Fund 2,972,024
31 ARRA State Fiscal Stabilization Fund (Section 14002(a))
32 2,000,000
33 Total Operating Expense 4,972,024

34

35 The foregoing appropriations to Indiana University, Purdue University, Indiana State
36 University, University of Southern Indiana, Ball State University, Vincennes University,
37 and Ivy Tech Community College, include the employers' share of Social Security
38 payments for university employees under the public employees' retirement fund, or
39 institutions covered by the Indiana state teachers' retirement fund. The funds appropriated
40 also include funding for the employers' share of payments to the public employees'
41 retirement fund and to the Indiana state teachers' retirement fund at a rate to be
42 established by the retirement funds for both fiscal years for each institution employees
43 covered by these retirement plans.

44

45 The treasurers of Indiana University, Purdue University, Indiana State University,
46 University of Southern Indiana, Ball State University, Vincennes University, and
47 Ivy Tech Community College shall, at the end of June 2009, prepare and file with
48 the auditor of state a financial statement that shall show in total all revenues
49 received from any source, together with a consolidated statement of disbursements

for the same period. The budget director shall establish the requirements for the form and substance of the reports.

The reports of the treasurer also shall contain in such form and in such detail as the governor and the budget agency may specify, complete information concerning receipts from all sources, together with any contracts, agreements, or arrangements with any federal agency, private foundation, corporation, or other entity from which such receipts accrue.

All such treasurers' reports are matters of public record and shall include without limitation a record of the purposes of any and all gifts and trusts with the sole exception of the names of those donors who request to remain anonymous.

Notwithstanding IC 4-10-11, the auditor of state shall draw warrants to the treasurers of Indiana University, Purdue University, Indiana State University, University of Southern Indiana, Ball State University, Vincennes University, and Ivy Tech Community College on the basis of vouchers stating the total amount claimed against each fund or account, or both, but not to exceed the legally made appropriations.

Notwithstanding IC 4-12-1-14, for universities and colleges supported in whole or in part by state funds, grant applications and lists of applications need only be submitted upon request to the budget agency for review and approval or disapproval and, unless disapproved by the budget agency, federal grant funds may be requested and spent without approval by the budget agency. Each institution shall retain the applications for a reasonable period of time and submit a list of all grant applications, at least monthly, to the commission for higher education for informational purposes.

For all university special appropriations, an itemized list of intended expenditures, in such form as the governor and the budget agency may specify, shall be submitted to support the allotment request. All budget requests for university special appropriations shall be furnished in a like manner and as a part of the operating budgets of the state universities.

The trustees of Indiana University, the trustees of Purdue University, the trustees of Indiana State University, the trustees of University of Southern Indiana, the trustees of Ball State University, the trustees of Vincennes University, and the trustees of Ivy Tech Community College are hereby authorized to accept federal grants, subject to IC 4-12-1.

C. ELEMENTARY AND SECONDARY EDUCATION

The following appropriations from the state general fund, as set forth in SECTION 854 of HEA 1001-2008, are cancelled for elementary and secondary education for the school fiscal year beginning January 1, 2009, and ending December 31, 2009, and for distributions beginning January 1, 2009, and ending June 30, 2009:

**FOR THE DEPARTMENT OF EDUCATION AND STATE BOARD OF EDUCATION
DISTRIBUTION FOR TUITION SUPPORT - General Fund
Total Operating Expense 5,234,950,000**

To restore the level of support for elementary and secondary education funding for the school fiscal year beginning January 1, 2009, and ending December 31, 2009, and for distributions beginning January 1, 2009, and ending June 30, 2009, the following amounts are appropriated for total operating expenses from the state general fund for the state fiscal year beginning July 1, 2008, and ending June 30, 2009, and from money received for elementary and secondary education under Division A, Title XIV of the federal American Recovery and Reinvestment Act of 2009:

**FOR THE DEPARTMENT OF EDUCATION AND STATE BOARD OF EDUCATION
DISTRIBUTION FOR TUITION SUPPORT**

General Fund	5,111,800,000
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DISTRIBUTION FOR STATE FISCAL STABILIZATION FUND GRANTS (IC 20-43-12)

ARRA State Fiscal Stabilization Fund (Section 14002(a))

77,500,000

The above appropriation for fiscal stabilization fund grants are intended to be one-time grants to school corporations in addition to tuition support.

If money is not available to the state for distribution from the federal American Recovery and Reinvestment Act of 2009, the distribution to a school corporation shall not be reduced and shall be made from the state general fund as determined by the state budget agency, which shall be reimbursed with money from the federal American Recovery and Reinvestment Act of 2009 once the money becomes available to the state.

Notwithstanding P.L.146-2008, the appropriations in P.L.146-2008, SECTION 857 for:

- (1) the state fiscal year beginning July 1, 2008, and ending June 30, 2009;
 - (2) the state fiscal year beginning July 1, 2009, and ending June 30, 2010; and
 - (3) the state fiscal year beginning July 1, 2010, and ending June 30, 2011;
- to the department of education to make distributions under IC 20-20-36, are canceled.

To restore the level of funding for levy replacement grants pursuant to IC 20-20-36.2 for the school fiscal year beginning January 1, 2009, and ending December 31, 2009, there is appropriated from money received for elementary and secondary education under Division A, Title XIV of the federal American Recovery and Reinvestment Act of 2009, eleven million nine hundred sixty-five thousand dollars (\$11,965,000) for the state fiscal year beginning July 1, 2008, and ending June 30, 2009, to the department of education to make distributions to school corporations under IC 20-20-36.2, as added by HEA 1198-2009, and as amended by this act. The budget agency may adjust the three and fifty-four hundredths of one percent (3.54%) threshold in IC 20-20-36.2-5, based upon the budget agency's determination of the actual amount of funds available under the federal American Recovery and Reinvestment Act of 2009 for appropriation under this SECTION for levy replacement grants for the state fiscal year beginning July 1, 2008, and ending June 30, 2009. Levy replacement grants are intended to be one-time distributions for the FY 2009-2011 biennium.

D. CONSTRUCTION - HIGHER EDUCATION

The following appropriations from the state general fund for the biennium beginning July 1, 2007, and ending June 30, 2009, as set forth in P.L. 234-2007, SECTION 32, Part F, that were made for the general repair and rehabilitation of higher education properties are cancelled:

INDIANA UNIVERSITY - TOTAL SYSTEM	
General Repair and Rehab	25,202,564
PURDUE UNIVERSITY - TOTAL SYSTEM	
General Repair and Rehab	19,777,318
INDIANA STATE UNIVERSITY	
General Repair and Rehab	4,681,980
UNIVERSITY OF SOUTHERN INDIANA	
General Repair and Rehab	1,121,925
BALL STATE UNIVERSITY	
General Repair and Rehab	6,726,301
VINCENNES UNIVERSITY	
General Repair and Rehab	2,272,968
IVY TECH COMMUNITY COLLEGE	
General Repair and Rehab	2,287,041

For the biennium beginning July 1, 2007, and ending June 30, 2009, the following amounts are appropriated from the state general fund and from money received for higher education under Division A, Title XIV of the federal American Recovery and Reinvestment Act for the general repair and rehabilitation of higher education properties:

INDIANA UNIVERSITY - TOTAL SYSTEM	
General Fund	12,601,282
ARRA State Fiscal Stabilization Fund (Section 14002(a))	
	12,601,282
General Repair and Rehab	25,202,564
PURDUE UNIVERSITY - TOTAL SYSTEM	
General Fund	9,888,659
ARRA State Fiscal Stabilization Fund (Section 14002(a))	
	9,888,659
General Repair and Rehab	19,777,318
INDIANA STATE UNIVERSITY	
General Fund	2,340,990
ARRA State Fiscal Stabilization Fund (Section 14002(a))	
	2,340,990
General Repair and Rehab	4,681,980
UNIVERSITY OF SOUTHERN INDIANA	
General Fund	560,963
ARRA State Fiscal Stabilization Fund (Section 14002(a))	
	560,962
General Repair and Rehab	1,121,925
BALL STATE UNIVERSITY	
General Fund	3,363,151
ARRA State Fiscal Stabilization Fund (Section 14002(a))	
	3,363,150

1	General Repair and Rehab	6,726,301
2	VINCENNES UNIVERSITY	
3	General Fund	1,136,484
4	ARRA State Fiscal Stabilization Fund (Section 14002(a))	
5		1,136,484
6	General Repair and Rehab	2,272,968
7	IVY TECH COMMUNITY COLLEGE	
8	General Fund	1,143,521
9	ARRA State Fiscal Stabilization Fund (Section 14002(a))	
10		1,143,520
11	General Repair and Rehab	2,287,041

12

13 **SECTION 33. [EFFECTIVE JULY 1, 2009]**

14

15 The budget agency may employ one (1) or more architects or engineers to inspect
 16 construction, rehabilitation, and repair projects covered by the appropriations in
 17 this act or previous acts.

18

19 **SECTION 34. [EFFECTIVE JULY 1, 2009]**

20

21 If any part of a construction or rehabilitation and repair appropriation made by
 22 this act or any previous acts has not been allotted or encumbered before the expiration
 23 of two (2) biennia, the budget agency may determine that the balance of the appropriation
 24 is not available for allotment. The appropriation may be terminated, and the balance
 25 may revert to the fund from which the original appropriation was made.

26

27 **SECTION 35. [EFFECTIVE UPON PASSAGE]**

28

29 The budget agency may retain balances in the mental health fund at the end of any
 30 fiscal year to ensure there are sufficient funds to meet the service needs of the
 31 developmentally disabled and the mentally ill in any year.

32

33 **SECTION 36. [EFFECTIVE JULY 1, 2009]**

34

35 If the budget director determines at any time during the biennium that the executive
 36 branch of state government cannot meet its statutory obligations due to insufficient
 37 funds in the general fund, then notwithstanding IC 4-10-18, the budget agency, with
 38 the approval of the governor and after review by the budget committee, may transfer
 39 from the counter-cyclical revenue and economic stabilization fund to the general
 40 fund any additional amount necessary to maintain a positive balance in the general
 41 fund.

42 **SECTION 37. [EFFECTIVE UPON PASSAGE] (a) As used in this SECTION, "ARRA" refers**
 43 **to the federal American Recovery and Reinvestment Act of 2009.**

44 **(b) As used in this SECTION, "Title I" refers to Title I of the Elementary and Secondary**
 45 **Education Act of 1965 (20 U.S.C. 6301 et seq.).**

46 **(c) With respect to ARRA funds that are specifically designated for subgrants to local**
 47 **education agencies based on Title I or incentive grants, the following apply:**

48 **(1) There is appropriated from those ARRA funds two hundred twenty-one million six**
 49 **hundred sixty thousand dollars (\$221,660,000) for local education agencies. This**
 50 **appropriation of ARRA funds does not expire, and the ARRA funds may be allotted**
 51 **beginning with receipt of the funds. The appropriation may be augmented.**

52 **(2) The appropriation is in addition to any other distributions that school corporations may**

1 receive or be eligible for under Title I.

2 (3) The governor and the department of education may take any actions necessary to
3 qualify the state for the ARRA funds related to Title I. If permitted by the ARRA, school
4 corporations shall submit plans to the department of education for approval before
5 spending the ARRA funds related to Title I.

6 (4) To the extent it does not conflict with federal law or rules or guidelines that would make
7 Indiana ineligible to receive ARRA funds related to Title I, the ARRA funds must be used
8 to support Title 1 eligible students for the following:

9 (A) Repair and rehabilitation of facilities.

10 (B) Upgrading technology or equipment.

11 (C) Training or professional development.

12 (D) Summer school or other remediation programs and purposes for which the expenses
13 are one (1) time in nature and do not increase the base operating expenses of schools to
14 a level that would be difficult to maintain.

15 SECTION 38. [EFFECTIVE UPON PASSAGE] (a) As used in this SECTION, "ARRA" refers
16 to the federal American Recovery and Reinvestment Act of 2009.

17 (b) With respect to ARRA funds under Division A, Title VIII of the ARRA for special
18 education, the following apply:

19 (1) There is appropriated from those ARRA funds two hundred seventy-one million three
20 hundred thirty-three thousand dollars (\$271,333,000) for local education agencies. This
21 appropriation of the ARRA funds for special education does not expire, and the ARRA
22 funds may be allotted beginning with receipt of the funds. The appropriation may be
23 augmented.

24 (2) The appropriation is in addition to any other distributions that schools corporations
25 may receive or be eligible for special education.

26 (3) The governor and the department of education may take any actions necessary to
27 qualify the state for the ARRA funds under Division A, Title VIII of the ARRA. If
28 permitted by the ARRA, school corporations shall submit plans to the department of
29 education for approval before spending the ARRA funds under Division A, Title VIII of the
30 ARRA.

31 (4) To the extent it does not conflict with federal law or rules or guidelines that would make
32 Indiana ineligible to receive ARRA funds under Division A, Title VIII of the ARRA, the
33 ARRA funds must be used to support special education students for the following:

34 (A) Repair and rehabilitation of facilities.

35 (B) Upgrading technology or equipment, including adaptive technology.

36 (C) Training or professional development.

37 (D) Programs and purposes for which the expenses are one (1) time in nature and do not
38 increase the base operating expenses of school corporations to a level that would be
39 difficult to maintain.

40 SECTION 39. [EFFECTIVE FEBRUARY 1, 2009, (RETROACTIVE)] (a) As used in this
41 SECTION, "ARRA" refers to the federal American Recovery and Reinvestment Act of 2009.

42 (b) The governor may make application to the federal government for ARRA funds. The
43 governor may take those actions necessary to qualify the state for the ARRA funds.

44 (c) The governor of the state of Indiana is solely authorized to accept on behalf of the state
45 any and all ARRA funds available to the state of Indiana. ARRA funds received as revenue by
46 a state agency or department are not available to the agency or department for expenditure until
47 allotment has been made by the budget agency under IC 4-12-1-12(d).

48 (d) The governor shall submit a report covering applications filed and any action necessary

1 to qualify the state for the ARRA funds to the executive director of the legislative services agency
2 in an electronic format under IC 5-14-6. To satisfy this requirement, the governor may submit
3 copies of reports required to be filed with the appropriate federal agency concerning use of the
4 funds.

5 (e) The provisions of this SECTION and all other SECTIONS concerning the acceptance,
6 disbursement, review, and approval of ARRA funds made by the federal government to the state
7 or its agencies and political subdivisions apply, notwithstanding any other law.

8 SECTION 40. [EFFECTIVE UPON PASSAGE] (a) As used in this SECTION, "ARRA" means
9 the federal American Recovery and Reinvestment Act of 2009.

10 (b) In appropriating the money to be received by Indiana from the state fiscal stabilization
11 fund administered by the federal Department of Education under Division A, Title XIV of the
12 ARRA, the general assembly has made every effort to comply with the requirements and intent
13 expressed in Division A, Title XIV of the ARRA so that the governor may make the assurances
14 required by Section 14002(d) of the ARRA.

15 (c) If the federal Department of Education or any other federal agency:

16 (1) determines that Indiana may not meet; or

17 (2) adopts additional administrative regulations or provides guidelines regarding;
18 the requirements of Section 14002(a)(2) of the ARRA, which results in Indiana not being eligible
19 for some part of the federal funds under Division A, Title XIV of the ARRA, the governor shall
20 promptly request a waiver from the Secretary of the federal Department of Education under
21 Section 14012 of the ARRA to ensure full availability of funding.

22 (d) This SECTION expires January 1, 2012.

23 SECTION 41. [EFFECTIVE JULY 1, 2009] (a) The trustees of the following institutions may
24 issue and sell bonds under IC 21-34, subject to the approvals required by IC 21-33-3, for the
25 following projects if the sum of principal costs of any bond issued, excluding amounts necessary
26 to provide money for debt service reserves, credit enhancement, or other costs incidental to the
27 issuance of the bonds, does not exceed the total authority listed below for that institution:

28 **Purdue University**

29 **Life Sciences Laboratory Renovations** 10,000,000

30 **Medical School Renovations** 12,000,000

31 **Indiana University**

32 **Life Sciences Laboratory Renovations** 10,000,000

33 **Northwest Campus**

34 **Tamarack Hall Replacement** 33,000,000

35 **Indiana University Purdue University at Indianapolis**

36 **Life Sciences Laboratory Renovations** 10,000,000

37 **Ivy Tech Community College**

38 **Anderson Campus** 20,000,000

39 **Warsaw Campus** 10,100,000

40 The authorization above for Tamarack Hall Replacement shall be reduced by any funds that
41 Indiana University receives for the replacement as insurance proceeds or from any other source.
42 Of the above authorization for medical school renovations, a maximum of six million dollars
43 (\$6,000,000) is eligible for fee replacement. The above project is eligible for fee replacement after
44 July 1, 2011.

45 (b) The trustees of the following institutions may issue and sell bonds under IC 21-34, subject
46 to the approvals required under IC 21-33-3, to provide funds for the acquisition, renovation,
47 expansion, and improvements for the following projects (including all related and subordinate
48 components of the following projects) and may undertake the project if the total costs financed

by the bond issue, excluding any amount necessary to provide money for debt service reserves, credit enhancement, or other costs incidental to the issuance of the bonds, do not exceed the total authority listed below for that institution:

Purdue University

Lafayette Campus

Student Fitness and Wellness Center	98,000,000
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Indiana University Purdue University at Fort Wayne

Parking Garage	16,800,000
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The foregoing projects are not eligible for fee replacement appropriations in any year.

SECTION 42. [EFFECTIVE UPON PASSAGE] The trustees of Vincennes University may issue and sell bonds under IC 21-34, subject to the approvals required by IC 21-33-3, for the purpose of constructing, furnishing, and equipping a center for advanced manufacturing and applied technology on the Jasper campus of Vincennes University, if the sum of principal costs of any bonds issued, excluding amounts necessary to provide money for debt service reserves, credit enhancement, or other costs incidental to the issuance of the bonds, does not exceed eight million dollars (\$8,000,000). This authorization is a restatement of and is not in addition to the authorization under P.L.234-2007, SECTION 175.

SECTION 43. [EFFECTIVE UPON PASSAGE] The trustees of Vincennes University are authorized to acquire, construct, renovate, improve, and equip a multicultural center to be funded from sources other than student fees or state funds or bonds payable from student fees or state funds if the total cost of the project does not exceed five million dollars (\$5,000,000). This authorization is a restatement of and is not in addition to the authorization under P.L.234-2007, SECTION 177.

SECTION 44. [EFFECTIVE UPON PASSAGE] (a) The trustees of the following institutions may issue and sell bonds under IC 21-34, subject to the approvals required by IC 21-33-3, for the following projects if the sum of principal costs of any bond issued, excluding amounts necessary to provide money for debt service reserves, credit enhancement, or other costs incidental to the issuance of the bonds, does not exceed the total authority listed below for that institution:

Indiana University South Bend - Arts Building

Renovation	\$27,000,000
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Indiana University Bloomington - Cyber

Infrastructure Building	18,300,000
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Indiana University, Purdue University at

Indianapolis - Neurosciences Research Building	20,000,000
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Indiana University Southeast Medical

Education Center A & E	1,000,000
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Indiana State University - Life Sciences/Chemistry

Laboratory Renovations	14,800,000
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Ball State University - Central Campus

Academic Project, Phase I & Utilities	33,000,000
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Ivy Tech-Fort Wayne Technology Center

and Demolition Costs	26,700,000
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Ivy Tech - Indianapolis Community College

for the Fall Creek Expansion Project	20,000,000
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Ivy Tech - Lamkin Center for Instructional

Development and Leadership	1,000,000
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Ivy Tech - Logansport

	16,000,000
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1	Ivy Tech - Sellersburg	20,000,000
2	Ivy Tech - Warsaw A & E	1,000,000
3	Ivy Tech - Muncie\Anderson A & E	4,800,000
4	Ivy Tech - Elkhart Phase I	16,000,000
5	Ivy Tech - Greencastle	8,000,000
6	Purdue University Calumet - Gyt Building A & E	2,400,000
7	Purdue University North Central -	
8	Student Services & Recreation Center A & E	1,000,000
9	University of Southern Indiana College of	
10	Business - General Classroom Building	29,900,000
11	Vincennes University - Health and Science	
12	Lab Rehabilitation	2,000,000
13	Indiana University, Purdue University at Fort Wayne	
14	Student Services and Library Complex	24,000,000

15 (b) The trustees of the following institution may issue and sell bonds under IC 21-34, subject
16 to the approvals required by IC 21-33-3, for the following project if the sum of principal costs
17 of any bond issued, excluding amounts necessary to provide money for debt service reserves,
18 credit enhancement, or other costs incidental to the issuance of the bonds, does not exceed the
19 total authority listed below for that institution:

20	Purdue University West Lafayette - Mechanical	
21	Engineering Addition	\$33,000,000

22 The foregoing project is not eligible for fee replacement appropriations.

23 (c) The trustees of the following institution may issue and sell bonds under IC 21-34, subject
24 to the approvals required by IC 21-33-3, for the following project if the sum of principal costs
25 of any bond issued, excluding amounts necessary to provide money for debt service reserves,
26 credit enhancement, or other costs incidental to the issuance of the bonds, does not exceed the
27 total authority listed below for that institution:

28	Purdue University West Lafayette -	
29	Boiler No. 6	\$53,000,000

30 The institution shall invite bids as provided under IC 21-37-3-3. The bids shall be open to
31 inspection by the public.

32 (d) The authorizations under this SECTION are a restatement of and are not in addition to
33 the authorizations under P.L.234-2007, SECTION 179. However, notwithstanding P.L.234-2007,
34 SECTION 179, the authorization for Ivy Tech - Indianapolis Community College for the Fall
35 Creek Expansion Project is twenty million dollars (\$20,000,000) and not sixty-nine million three
36 hundred seventy thousand dollars (\$69,370,000).

37 SECTION 45. [EFFECTIVE UPON PASSAGE] (a) The trustees of the following institution may
38 issue and sell bonds under IC 21-34, subject to the approvals required by IC 21-33-3, for the
39 following project if the sum of principal costs of any bond issued, excluding amounts necessary
40 to provide money for debt service reserves, credit enhancement, or other costs incidental to the
41 issuance of the bonds, does not exceed the total authority listed below for that institution:

42	Purdue University West Lafayette -	
43	Animal Disease Diagnostic Laboratory (BSL-3)	\$30,000,000

44 (b) The Indiana department of administration, acting on behalf of the Indiana state board of
45 animal health, in recognition of the state board of animal health's statutory functions involving
46 the animal disease diagnostic laboratory, is hereby authorized and directed to enter into a lease
47 agreement, as lessee, with the trustees of Purdue University as lessor, covering animal disease
48 diagnostic laboratory (BSL-3).

(c) The authorizations under this SECTION are a restatement of and are not in addition to the authorizations under P.L.234-2007, SECTION 180.

SECTION 46. [EFFECTIVE UPON PASSAGE] (a) Notwithstanding SECTION 244 of HEA 1001-2005, the trustees of Purdue University may issue and sell bonds under IC 21-34, subject to the review by the budget committee required by IC 21-33-3, for the following project if the sum of principal costs of any bond issued, excluding amounts necessary to provide money for debt service reserves, credit enhancement, or other costs incidental to the issuance of the bonds, does not exceed the total authority listed below:

Purdue University North Central Campus

Parking Garage No. 1

\$8,000,000

(b) The authorization under this SECTION is a restatement of and is not in addition to the authorization under P.L.234-2007, SECTION 186.

SECTION 47. [EFFECTIVE JULY 1, 2009] There is appropriated to Ivy Tech Community College from the state general fund for the biennium beginning July 1, 2009, and ending June 30, 2011, three hundred fifty thousand dollars (\$350,000) for A&E Phase 2 for the Bloomington campus. The appropriation under this SECTION is a restatement of and is not in addition to the appropriation under P.L.234-2007, SECTION 32.

SECTION 48. [EFFECTIVE UPON PASSAGE] (a) There is appropriated to the budget agency from the state general fund:

(1) three million seven hundred fifty thousand dollars (\$3,750,000) for the state fiscal year beginning July 1, 2008, and ending June 30, 2009;

(2) five million six hundred twenty-five thousand dollars (\$5,625,000) for the state fiscal year beginning July 1, 2009, and ending June 30, 2010; and

(3) five million six hundred twenty-five thousand dollars (\$5,625,000) for the state fiscal year beginning July 1, 2010, and ending June 30, 2011;

to assist Indiana University and Purdue University in attracting major federal research grants.

(b) The appropriations under this SECTION are intended to provide the nonfederal share of funding for research grants. The budget agency shall make a recommendation to the budget committee for each request received for a matching grant. Funding may be released for each grant request that receives a favorable review by the budget committee.

SECTION 49. [EFFECTIVE UPON PASSAGE] (a) Thirty million dollars (\$30,000,000) is appropriated to the budget agency from the Indiana tobacco master settlement agreement fund established by IC 4-12-1-14.3, and twenty million dollars (\$20,000,000) is appropriated from the state general fund for the biennium beginning July 1, 2009, and ending June 30, 2011, to provide the nonfederal match for grants available under federal law. In order to qualify for matching funds:

(1) The nonfederal share provided under this SECTION may not exceed thirty percent (30%) of the cost of the project or program.

(2) The project or program must be one (1) time in nature.

(b) The appropriations from the Indiana tobacco master settlement agreement fund may be used only to match programs or projects relating to health care or life sciences, including automation and reporting of medical records.

(c) The budget agency may solicit applications for matching grants from universities, state and local agencies, and other entities eligible for federal funding and shall accept applications for grants from any source.

(d) The budget agency shall do the following:

(1) Submit a first summary of all applications received to the budget committee along with recommendations for funding before June 1, 2009.

1 (2) Submit a second summary of all applications received to the budget committee along
2 with recommendations for funding before July 1, 2009.

3 (3) Submit subsequent summaries and recommendations on a quarterly basis thereafter.

4 (e) The budget agency may award grants under this SECTION only after review by the
5 budget committee. The budget agency shall promptly post a list of all approved grants on its
6 Internet web site.

7 (f) This SECTION expires June 30, 2011.

8 SECTION 50. [EFFECTIVE UPON PASSAGE] (a) There is appropriated from funds received
9 under the federal American Recovery and Reinvestment Act of 2009 to the state energy program
10 within the office of the lieutenant governor sixty-eight million six hundred twenty-one thousand
11 dollars (\$68,621,000) for the following energy conservation purposes:

12 (1) Increasing energy efficiency to reduce energy costs and consumption for consumers,
13 businesses, and government.

14 (2) Reducing reliance on imported energy.

15 (3) Improving the reliability of electricity and fuel supply and the delivery of energy
16 services.

17 (4) Reducing the impacts of energy production and use on the environment

18 (b) In using the money appropriated under subsection (a), the office of the lieutenant
19 governor shall to the extent possible support current energy efficiency and renewable energy
20 projects and create sustainable energy programs. The office of the lieutenant governor may
21 create long-term funding mechanisms, such as revolving loan programs and energy savings
22 performance contracting designed to provide lasting benefits. As soon as practical after the
23 effective date of this SECTION, the office of the lieutenant governor shall report to the state
24 budget committee on the use of the money appropriated under subsection (a). The appropriation
25 under subsection (a) does not expire and may be augmented.

26 SECTION 51. [EFFECTIVE UPON PASSAGE] (a) There is appropriated from funds received
27 under the federal American Recovery and Reinvestment Act of 2009 to the Indiana housing and
28 community development authority Indiana housing and community development authority one
29 hundred thirty-one million eight hundred forty-seven thousand dollars (\$131,847,000) to fund
30 weatherization projects. The Indiana housing and community development authority may
31 contract with providers to perform weatherization services for qualified applicants, but the
32 office must use a portion of the money appropriated to:

33 (1) provide grants to nonprofit organizations to deliver weatherization services; and

34 (2) increase funding available for training and technical assistance.

35 (b) The Indiana housing and community development authority may increase the average
36 expenditure limit per home to six thousand five hundred dollars (\$6,500) from February 17,
37 2009, until December 31, 2010.

38 (c) The Indiana housing and community development authority shall develop a process for
39 distribution and use of the money appropriated under this subsection (a). As soon as practical
40 after the effective date of this SECTION, the Indiana housing and community development
41 authority shall report to the state budget committee on the use of the money appropriated under
42 subsection (a). The appropriation under subsection (a) does not expire and may be augmented.

43 SECTION 52. [EFFECTIVE UPON PASSAGE] (a) There is appropriated from funds received
44 under the federal American Recovery and Reinvestment Act of 2009 to the Indiana finance
45 authority ninety-four million four hundred forty-seven thousand four hundred eighty-five
46 dollars (\$94,447,485) to provide loans for wastewater infrastructure projects and twenty-seven
47 million two hundred twelve thousand dollars (\$27,212,000) to provide loans for drinking water
48 infrastructure projects for cities, towns, counties, regional sewer or water districts, conservancy

1 districts, and any other applicants determined by the Indiana finance authority to be eligible for
2 assistance. The Indiana finance authority may grant fixed-rate loans with below market interest
3 rates and provide for forgiveness of a portion of the loan for applicants that have exceedingly
4 high monthly user rates as determined by the Indiana finance authority.

5 (b) The Indiana finance authority shall develop a process for distribution and use of the
6 money appropriated under subsection (a), including deadlines for applying for assistance. As
7 soon as practical after the effective date of this SECTION, the Indiana finance authority shall
8 report to the state budget committee on the use of the money appropriated under subsection (a).
9 The appropriation under subsection (a) does not expire and may be augmented.

10 SECTION 53. [EFFECTIVE UPON PASSAGE] It is the intent of the General Assembly that
11 grants and distributions of funds under the federal American Recovery and Reinvestment Act
12 of 2009 shall be treated as one time revenues and shall not be used in ways that build the general
13 spending base to levels that would be unsustainable in future years. The funds are intended to
14 help prevent layoff of teachers and other employees. However, school corporations and
15 universities should endeavor to not build spending increases into contracts and agreements that
16 extend beyond the 2009-2011 biennium.

17 SECTION 54. IC 4-4-11.5-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE OCTOBER
18 1, 2008 (RETROACTIVE)]: Sec. 1. As used in this chapter, "bond" means any:

19 (1) bond or mortgage credit certificate for which it is necessary to procure volume under the
20 volume cap under Section 146 of the Internal Revenue Code; or

21 (2) bond or other obligation for which a special volume cap is authorized under a federal
22 act.

23 SECTION 55. IC 4-4-11.5-13.5 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO
24 READ AS FOLLOWS [EFFECTIVE OCTOBER 1, 2008 (RETROACTIVE)]: Sec. 13.5. As used in
25 this chapter, "special volume cap" means the maximum dollar amount of bonds that may be
26 allocated to the state under the authority of a federal act. The special volume cap is in addition
27 to the volume cap, as defined in section 14 of this chapter.

28 SECTION 56. IC 4-4-11.5-19.5 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO
29 READ AS FOLLOWS [EFFECTIVE OCTOBER 1, 2008 (RETROACTIVE)]: Sec. 19.5. The IFA
30 shall determine the allocation of any special volume cap in accordance with the federal act
31 authorizing the special volume cap.

32 SECTION 57. IC 4-31-3-9 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON
33 PASSAGE]: Sec. 9. Subject to section 14 of this chapter, the commission may:

34 (1) adopt rules under IC 4-22-2, including emergency rules under IC 4-22-2-37.1, to implement
35 this article, including rules that prescribe:

36 (A) the forms of wagering that are permitted;

37 (B) the number of races;

38 (C) the procedures for wagering;

39 (D) the wagering information to be provided to the public;

40 (E) fees for the issuance and renewal of:

41 (i) permits under IC 4-31-5;

42 (ii) satellite facility licenses under IC 4-31-5.5; and

43 (iii) licenses for racetrack personnel and racing participants under IC 4-31-6;

44 (F) investigative fees;

45 (G) fines and penalties; and

46 (H) any other regulation that the commission determines is in the public interest in the conduct
47 of recognized meetings and wagering on horse racing in Indiana;

48 (2) appoint employees in the manner provided by IC 4-15-2 and fix their compensation, subject

1 to the approval of the budget agency under IC 4-12-1-13;
2 (3) enter into contracts necessary to implement this article; and
3 (4) receive and consider recommendations from an advisory development committee established
4 under IC 4-31-11.

5 SECTION 58. IC 4-31-3-14 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO
6 READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: **Sec. 14. The commission may not do the**
7 **following:**

8 **(1) Impose, charge, or collect by rule a fee that is not authorized by this article on any party**
9 **to a proposed transfer of an ownership interest in a permit issued under IC 4-31-5.**

10 **(2) Make the commission's approval of a proposed transfer of an ownership interest in a**
11 **permit issued under IC 4-31-5 contingent upon the payment of any amount that is not**
12 **authorized by this article.**

13 SECTION 59. IC 4-33-4-21 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON
14 PASSAGE]: Sec. 21. (a) A licensed owner or any other person must apply for and receive the
15 commission's approval before:

16 (1) an owner's license is:

17 (A) transferred;

18 (B) sold; or

19 (C) purchased; or

20 (2) a voting trust agreement or other similar agreement is established with respect to the owner's
21 license.

22 (b) **Subject to section 24 of this chapter**, the commission shall adopt rules governing the
23 procedure a licensed owner or other person must follow to take an action under subsection (a). The
24 rules must specify that a person who obtains an ownership interest in a license must meet the criteria
25 of this article and any rules adopted by the commission. A licensed owner may transfer an owner's
26 license only in accordance with this article and rules adopted by the commission.

27 (c) A licensed owner or any other person may not:

28 (1) lease;

29 (2) hypothecate; or

30 (3) borrow or loan money against;

31 an owner's license.

32 (d) A transfer fee is imposed on a licensed owner who purchases or otherwise acquires a controlling
33 interest, as determined under the rules of the commission, in a second owner's license. The fee is equal
34 to two million dollars (\$2,000,000). The commission shall collect and deposit a fee imposed under this
35 subsection in the state general fund.

36 SECTION 60. IC 4-33-4-24 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO
37 READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: **Sec. 24. The commission may not do the**
38 **following:**

39 **(1) Impose by rule a fee that is not authorized by this article on any party to a proposed**
40 **transfer of an ownership interest in a riverboat owner's license or an operating permit.**

41 **(2) Make the commission's approval of a proposed transfer of an ownership interest in a**
42 **riverboat owner's license or an operating permit contingent upon the payment of any**
43 **amount that is not authorized by this article.**

44 SECTION 61. IC 4-35-4-13 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO
45 READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: **Sec. 13. The commission may not do the**
46 **following:**

47 **(1) Impose, charge, or collect by rule a fee that is not authorized by this article on any party**
48 **to a proposed transfer of an ownership interest in a license issued under IC 4-35-5.**

1 **(2) Make the commission's approval of a proposed transfer of an ownership interest in a**
2 **license issued under IC 4-35-5 contingent upon the payment of any amount that is not**
3 **authorized by this article.**

4 SECTION 62. IC 5-1-14-16, AS ADDED BY P.L.146-2008, SECTION 31, IS AMENDED TO
5 READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 16. (a) This section applies to
6 obligations that are:

- 7 (1) issued after June 30, 2008, by a local issuing body; and
8 (2) payable from ad valorem property taxes, special benefit taxes on property, or tax increment
9 revenues derived from property taxes;

10 including obligations that are issued under a statute that permits the bonds to be issued without
11 complying with any other law or otherwise expressly exempts the bonds from the requirements of this
12 section.

13 (b) An agreement for the issuance of obligations must provide for the payment of principal and
14 interest on the obligations in nearly equal payment amounts and at regular designated intervals over
15 the maximum term of the obligations except to the extent that:

- 16 (1) interest for a particular repayment period has been paid from the proceeds of the obligations
17 under section 6 of this chapter; or

- 18 (2) the local issuing body authorizes a different payment schedule to:

19 (A) maintain substantially equal payments, in the aggregate, in any period in which the local
20 issuing body pays the interest and principal on outstanding obligations;

21 (B) provide for the payment of principal on the obligations in amounts and at intervals that
22 will produce an aggregate amount of principal payments greater than or equal to the aggregate
23 amount that would otherwise be paid as of the same date;

24 (C) provide for level principal payments over the term of the obligations, in order to reduce
25 total interest costs; ~~or~~

26 (D) with respect to obligations wholly or partially payable from tax increment revenues
27 derived from property taxes, provide for the payment of principal and interest in varying
28 amounts over the term of the obligations as necessary due to the variation in the amount of tax
29 increment revenues available for those payments; ~~or~~

30 **(E) provide for a repayment schedule that will result in the same or a lower amount of**
31 **interest being paid on obligations that would be issued using nearly equal payment**
32 **amounts.**

33 SECTION 63. IC 5-10-8-8.5 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO
34 READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: **Sec. 8.5. (a) The state employee retiree**
35 **health benefit trust fund is established to provide funding for a retiree health benefit plan**
36 **developed under section 8.3 of this chapter.**

37 **(b) The trust fund shall be administered by the budget agency. The expenses of administering**
38 **the trust fund shall be paid from money in the trust fund. The trust fund consists of cigarette**
39 **tax revenues deposited in the fund under IC 6-7-1-28.1(7) and other appropriations, revenues,**
40 **or transfers to the trust fund under IC 4-12-1.**

41 **(c) The treasurer of state shall invest the money in the trust fund not currently needed to meet**
42 **the obligations of the trust fund in the same manner as other public money may be invested.**

43 **(d) The trust fund is considered a trust fund for purposes of IC 4-9.1-1-7. Money may not be**
44 **transferred, assigned, or otherwise removed from the trust fund by the state board of finance,**
45 **the budget agency, or any other state agency.**

46 **(e) The trust fund shall be established and administered in a manner that complies with**
47 **Internal Revenue Code requirements concerning health reimbursement arrangement (HRA)**
48 **trusts. Contributions by the state to the trust fund are irrevocable. All assets held in the trust**

1 fund must be held for the exclusive benefit of participants of the retiree health benefit plan
2 developed under section 8.3 of this chapter and their beneficiaries. All assets in the trust fund:

3 (1) are dedicated exclusively to providing benefits to participants of the plan and their
4 beneficiaries according to the terms of the plan; and

5 (2) are exempt from levy, sale, garnishment, attachment, or other legal process.

6 (f) Money in the trust fund does not revert to the state general fund at the end of any state
7 fiscal year.

8 (g) The money in the trust fund is appropriated to the budget agency for providing the retiree
9 health benefit plan developed under section 8.3 of this chapter.

10 SECTION 64. IC 5-28-30-17, AS ADDED BY P.L.162-2007, SECTION 25, IS AMENDED TO
11 READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 17. (a) To further the purposes of this
12 chapter, and in addition to the corporation's other powers under this chapter, the corporation may, upon
13 a written finding as described in section 10 of this chapter, make direct loans from money in the
14 guaranty fund to or for the benefit of:

15 (1) any industrial development project, mining operation, or agricultural operation that involves
16 the processing of agricultural products; or

17 (2) an Indiana supplier, contractor, or subcontractor for an industrial development project
18 for which:

19 (A) bankruptcy was declared with respect to the project before January 1, 2009;

20 (B) the estimated value of the project or operation before bankruptcy was declared was
21 at least five hundred million dollars (\$500,000,000); and

22 (C) the estimated number of employees upon completion of the project or operation was
23 expected to be at least one thousand two hundred (1,200) persons;

24 upon the terms and conditions that the corporation prescribes.

25 (b) Loans made under this section are subject to the following conditions:

26 (1) A new or additional loan may not be made if the loan would cause the then outstanding total
27 guarantee obligations with respect to all loans and leases guaranteed under this section and the
28 other provisions of this chapter to exceed eight (8) times the amount of money then in the
29 guaranty fund, or would cause the then outstanding total principal balance of all loans made
30 under this section and then owing to the corporation to exceed twenty percent (20%) of the
31 amount of money then in the guaranty fund.

32 (2) The principal amount of such a loan to or for the benefit of a project or operation may not
33 exceed one million dollars (\$1,000,000), less the then outstanding total guarantee obligations
34 with respect to any loans or leases guaranteed under this chapter to or for the benefit of that
35 project or operation.

36 (3) With respect to any loan made under this section, a loan agreement with the corporation must
37 contain the following terms:

38 (A) A requirement that the loan proceeds be used for specified purposes consistent with and
39 in furtherance of the purposes of the corporation under this chapter.

40 (B) The term of the loan, which may not be later than twenty (20) years from the date of the
41 loan.

42 (C) The repayment schedule.

43 (D) The interest rate or rates of the loan, which may include variations in the rate, but which
44 may not be less than the amount necessary to cover all expenses of the corporation in making
45 the loan.

46 (E) Any other terms and provisions that the corporation requires.

47 (4) A loan agreement under this section may also contain a requirement that the loan be insured
48 directly or indirectly by a loan insurer or be guaranteed by a loan guarantor, and a requirement

1 of any other type or types of security or collateral that the corporation considers reasonable or
2 necessary.

3 (5) A loan made under this section may be sold by the corporation, and the corporation may
4 permit other lenders to participate in a loan made under this section, at the time or times and upon
5 the terms and conditions that the corporation considers reasonable or necessary. A loan sold or
6 in which other lenders participate may be guaranteed by the corporation, upon terms and
7 conditions established by the corporation.

8 SECTION 65. IC 6-1.1-17-5, AS AMENDED BY P.L.146-2008, SECTION 149, IS AMENDED
9 TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 5. (a) The officers of political
10 subdivisions shall meet each year to fix the budget, tax rate, and tax levy of their respective
11 subdivisions for the ensuing budget year as follows:

12 (1) The board of school trustees of a school corporation that is located in a city having a
13 population of more than one hundred five thousand (105,000) but less than one hundred twenty
14 thousand (120,000), not later than:

15 (A) the time required in section 5.6(b) of this chapter; or

16 (B) for budget years beginning before July 1, ~~2010~~, **2011**, September 30 if a resolution
17 adopted under section 5.6(d) of this chapter is in effect.

18 (2) The proper officers of all other political subdivisions, not later than September 30.

19 (3) The governing body of each school corporation (including a school corporation described in
20 subdivision (1)), not later than the time required under section 5.6(b) of this chapter for budget
21 years beginning after June 30, ~~2010~~, **2011**.

22 Except in a consolidated city and county and in a second class city, the public hearing required by
23 section 3 of this chapter must be completed at least ten (10) days before the proper officers of the
24 political subdivision meet to fix the budget, tax rate, and tax levy. In a consolidated city and county
25 and in a second class city, that public hearing, by any committee or by the entire fiscal body, may be
26 held at any time after introduction of the budget.

27 (b) Ten (10) or more taxpayers may object to a budget, tax rate, or tax levy of a political subdivision
28 fixed under subsection (a) by filing an objection petition with the proper officers of the political
29 subdivision not more than seven (7) days after the hearing. The objection petition must specifically
30 identify the provisions of the budget, tax rate, and tax levy to which the taxpayers object.

31 (c) If a petition is filed under subsection (b), the fiscal body of the political subdivision shall adopt
32 with its budget a finding concerning the objections in the petition and any testimony presented at the
33 adoption hearing.

34 (d) This subsection does not apply to a school corporation. Each year at least two (2) days before
35 the first meeting after September 20 of the county board of tax adjustment held under IC 6-1.1-29-4,
36 a political subdivision shall file with the county auditor:

37 (1) a statement of the tax rate and levy fixed by the political subdivision for the ensuing budget
38 year;

39 (2) two (2) copies of the budget adopted by the political subdivision for the ensuing budget year;
40 and

41 (3) two (2) copies of any findings adopted under subsection (c).

42 Each year the county auditor shall present these items to the county board of tax adjustment at the
43 board's first meeting under IC 6-1.1-29-4 after September 20 of that year.

44 (e) In a consolidated city and county and in a second class city, the clerk of the fiscal body shall,
45 notwithstanding subsection (d), file the adopted budget and tax ordinances with the county board of
46 tax adjustment within two (2) days after the ordinances are signed by the executive, or within two (2)
47 days after action is taken by the fiscal body to override a veto of the ordinances, whichever is later.

48 (f) If a fiscal body does not fix the budget, tax rate, and tax levy of the political subdivisions for the

1 ensuing budget year as required under this section, the most recent annual appropriations and annual
2 tax levy are continued for the ensuing budget year.

3 SECTION 66. IC 6-1.1-17-5.6, AS AMENDED BY P.L.146-2008, SECTION 150, IS AMENDED
4 TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 5.6. (a) For budget years beginning
5 before July 1, ~~2010~~, **2011**, this section applies only to a school corporation that is located in a city
6 having a population of more than one hundred five thousand (105,000) but less than one hundred
7 twenty thousand (120,000). For budget years beginning after June 30, ~~2010~~, **2011**, this section applies
8 to all school corporations. Beginning in ~~2010~~, **2011**, each school corporation shall adopt a budget
9 under this section that applies from July 1 of the year through June 30 of the following year. In the
10 initial budget adopted by a school corporation in ~~2010~~ **2011** under this section, the first six (6) months
11 of that initial budget must be consistent with the last six (6) months of the budget adopted by the
12 school corporation for calendar year ~~2010~~. **2011**.

13 (b) Before February 1 of each year, the officers of the school corporation shall meet to fix the
14 budget for the school corporation for the ensuing budget year, with notice given by the same officers.
15 However, if a resolution adopted under subsection (d) is in effect, the officers shall meet to fix the
16 budget for the ensuing budget year before September 30.

17 (c) Each year, at least two (2) days before the first meeting after September 20 of the county board
18 of tax adjustment held under IC 6-1.1-29-4, the school corporation shall file with the county auditor:

19 (1) a statement of the tax rate and tax levy fixed by the school corporation for the ensuing budget
20 year;

21 (2) two (2) copies of the budget adopted by the school corporation for the ensuing budget year;
22 and

23 (3) any written notification from the department of local government finance under section 16(i)
24 of this chapter that specifies a proposed revision, reduction, or increase in the budget adopted by
25 the school corporation for the ensuing budget year.

26 Each year the county auditor shall present these items to the county board of tax adjustment at the
27 board's first meeting after September 20 of that year.

28 (d) This subsection does not apply to budget years after June 30, ~~2010~~. **2011**. The governing body
29 of the school corporation may adopt a resolution to cease using a school year budget year and return
30 to using a calendar year budget year. A resolution adopted under this subsection must be adopted after
31 January 1 and before July 1. The school corporation's initial calendar year budget year following the
32 adoption of a resolution under this subsection begins on January 1 of the year following the year the
33 resolution is adopted. The first six (6) months of the initial calendar year budget for the school
34 corporation must be consistent with the last six (6) months of the final school year budget fixed by the
35 department of local government finance before the adoption of a resolution under this subsection.
36 Notwithstanding any resolution adopted under this subsection, beginning in ~~2010~~, **2011**, each school
37 corporation shall adopt a budget under this section that applies from July 1 of the year through June
38 30 of the following year.

39 (e) A resolution adopted under subsection (d) may be rescinded by a subsequent resolution adopted
40 by the governing body. If the governing body of the school corporation rescinds a resolution adopted
41 under subsection (d) and returns to a school year budget year, the school corporation's initial school
42 year budget year begins on July 1 following the adoption of the rescinding resolution and ends on June
43 30 of the following year. The first six (6) months of the initial school year budget for the school
44 corporation must be consistent with the last six (6) months of the last calendar year budget fixed by
45 the department of local government finance before the adoption of a rescinding resolution under this
46 subsection.

47 SECTION 67. IC 6-3-1-3.5, AS AMENDED BY P.L.131-2008, SECTION 11, AND AS
48 AMENDED BY P.L.3-2008, SECTION 60, IS CORRECTED AND AMENDED TO READ AS

FOLLOWS [EFFECTIVE JANUARY 1, 2009 (RETROACTIVE)]: Sec. 3.5. When used in this article, the term "adjusted gross income" shall mean the following:

(a) In the case of all individuals, "adjusted gross income" (as defined in Section 62 of the Internal Revenue Code), modified as follows:

(1) Subtract income that is exempt from taxation under this article by the Constitution and statutes of the United States.

(2) Add an amount equal to any deduction or deductions allowed or allowable pursuant to Section 62 of the Internal Revenue Code for taxes based on or measured by income and levied at the state level by any state of the United States.

(3) Subtract one thousand dollars (\$1,000), or in the case of a joint return filed by a husband and wife, subtract for each spouse one thousand dollars (\$1,000).

(4) Subtract one thousand dollars (\$1,000) for:

(A) each of the exemptions provided by Section 151(c) of the Internal Revenue Code;

(B) each additional amount allowable under Section 63(f) of the Internal Revenue Code; and

(C) the spouse of the taxpayer if a separate return is made by the taxpayer and if the spouse, for the calendar year in which the taxable year of the taxpayer begins, has no gross income and is not the dependent of another taxpayer.

(5) Subtract:

(A) for taxable years beginning after December 31, 2004, one thousand five hundred dollars (\$1,500) for each of the exemptions allowed under Section 151(c)(1)(B) of the Internal Revenue Code (as effective January 1, 2004); and

(B) five hundred dollars (\$500) for each additional amount allowable under Section 63(f)(1) of the Internal Revenue Code if the adjusted gross income of the taxpayer, or the taxpayer and the taxpayer's spouse in the case of a joint return, is less than forty thousand dollars (\$40,000).

This amount is in addition to the amount subtracted under subdivision (4).

(6) Subtract an amount equal to the lesser of:

(A) that part of the individual's adjusted gross income (as defined in Section 62 of the Internal Revenue Code) for that taxable year that is subject to a tax that is imposed by a political subdivision of another state and that is imposed on or measured by income; or

(B) two thousand dollars (\$2,000).

(7) Add an amount equal to the total capital gain portion of a lump sum distribution (as defined in Section 402(e)(4)(D) of the Internal Revenue Code) if the lump sum distribution is received by the individual during the taxable year and if the capital gain portion of the distribution is taxed in the manner provided in Section 402 of the Internal Revenue Code.

(8) Subtract any amounts included in federal adjusted gross income under Section 111 of the Internal Revenue Code as a recovery of items previously deducted as an itemized deduction from adjusted gross income.

(9) Subtract any amounts included in federal adjusted gross income under the Internal Revenue Code which amounts were received by the individual as supplemental railroad retirement annuities under 45 U.S.C. 231 and which are not deductible under subdivision (1).

(10) Add an amount equal to the deduction allowed under Section 221 of the Internal Revenue Code for married couples filing joint returns if the taxable year began before January 1, 1987.

(11) Add an amount equal to the interest excluded from federal gross income by the individual for the taxable year under Section 128 of the Internal Revenue Code if the taxable year began before January 1, 1985.

(12) Subtract an amount equal to the amount of federal Social Security and Railroad Retirement benefits included in a taxpayer's federal gross income by Section 86 of the Internal Revenue Code.

(13) In the case of a nonresident taxpayer or a resident taxpayer residing in Indiana for a period of less than the taxpayer's entire taxable year, the total amount of the deductions allowed pursuant to subdivisions (3), (4), (5), and (6) shall be reduced to an amount which bears the same ratio to the total as the taxpayer's income taxable in Indiana bears to the taxpayer's total income.

(14) In the case of an individual who is a recipient of assistance under IC 12-10-6-1, IC 12-10-6-2.1, IC 12-15-2-2, or IC 12-15-7, subtract an amount equal to that portion of the individual's adjusted gross income with respect to which the individual is not allowed under federal law to retain an amount to pay state and local income taxes.

(15) In the case of an eligible individual, subtract the amount of a Holocaust victim's settlement payment included in the individual's federal adjusted gross income.

(16) For taxable years beginning after December 31, 1999, subtract an amount equal to the portion of any premiums paid during the taxable year by the taxpayer for a qualified long term care policy (as defined in IC 12-15-39.6-5) for the taxpayer or the taxpayer's spouse, or both.

(17) Subtract an amount equal to the lesser of:

(A) for a taxable year:

(i) including any part of 2004, the amount determined under subsection (f); and

(ii) beginning after December 31, 2004, two thousand five hundred dollars (\$2,500); or

(B) the amount of property taxes that are paid during the taxable year in Indiana by the individual on the individual's principal place of residence.

(18) Subtract an amount equal to the amount of a September 11 terrorist attack settlement payment included in the individual's federal adjusted gross income.

(19) Add or subtract the amount necessary to make the adjusted gross income of any taxpayer that owns property for which bonus depreciation was allowed in the current taxable year or in an earlier taxable year equal to the amount of adjusted gross income that would have been computed had an election not been made under Section 168(k) of the Internal Revenue Code to apply bonus depreciation to the property in the year that it was placed in service.

(20) Add an amount equal to any deduction allowed under Section 172 of the Internal Revenue Code.

(21) Add or subtract the amount necessary to make the adjusted gross income of any taxpayer that placed Section 179 property (as defined in Section 179 of the Internal Revenue Code) in service in the current taxable year or in an earlier taxable year equal to the amount of adjusted gross income that would have been computed had an election for federal income tax purposes not been made for the year in which the property was placed in service to take deductions under Section 179 of the Internal Revenue Code in a total amount exceeding twenty-five thousand dollars (\$25,000).

(22) Add an amount equal to the amount that a taxpayer claimed as a deduction for domestic production activities for the taxable year under Section 199 of the Internal Revenue Code for federal income tax purposes.

(23) Subtract an amount equal to the amount of the taxpayer's qualified military income that was not excluded from the taxpayer's gross income for federal income tax purposes under Section 112 of the Internal Revenue Code.

(24) Subtract income that is:

(A) exempt from taxation under IC 6-3-2-21.7; and

(B) included in the individual's federal adjusted gross income under the Internal Revenue Code.

(25) Subtract any amount of a credit (including an advance refund of the credit) that is provided to an individual under 26 U.S.C. 6428 (federal Economic Stimulus Act of 2008) and included in the individual's federal adjusted gross income.

1 (26) Add any amount of unemployment compensation excluded from federal gross income,
2 as defined in Section 61 of the Internal Revenue Code, under Section 85(c) of the Internal
3 Revenue Code.

4 (27) Add the amount excluded from gross income under Section 108(a)(1)(e) of the Internal
5 Revenue Code for the discharge of debt on a qualified principal residence.

6 (28) Add or subtract an amount equal to any income not included in gross income as a
7 result of the deferral of income arising from business indebtedness discharged in connection
8 with the reacquisition after December 31, 2008, and before January 1, 2011, of an
9 applicable debt instrument, as provided in Section 108(i) of the Internal Revenue Code.

10 (29) Add the amount necessary to make the adjusted gross income of any taxpayer that
11 placed qualified restaurant property in service during the taxable year and that was
12 classified as 15-year property under Section 168(e)(3)(E)(v) of the Internal Revenue Code
13 equal to the amount of adjusted gross income that would have been computed had the
14 classification not applied to the property in the year that it was placed in service.

15 (30) Add the amount necessary to make the adjusted gross income of any taxpayer that
16 placed qualified retail improvement property in service during the taxable year and that
17 was classified as 15-year property under Section 168(e)(3)(E)(ix) of the Internal Revenue
18 Code equal to the amount of adjusted gross income that would have been computed had the
19 classification not applied to the property in the year that it was placed in service.

20 (31) Add or subtract the amount necessary to make the adjusted gross income of any
21 taxpayer that claimed the special allowance for qualified disaster assistance property under
22 Section 168(n) of the Internal Revenue Code equal to the amount of adjusted gross income
23 that would have been computed had the special allowance not been claimed for the
24 property.

25 (32) Add or subtract the amount necessary to make the adjusted gross income of any
26 taxpayer that made an election under Section 179C of the Internal Revenue Code to expense
27 costs for qualified refinery property equal to the amount of adjusted gross income that
28 would have been computed had an election for federal income tax purposes not been made
29 for the year.

30 (33) Add or subtract the amount necessary to make the adjusted gross income of any
31 taxpayer that made an election under Section 181 of the Internal Revenue Code to expense
32 costs for a qualified film or television production equal to the amount of adjusted gross
33 income that would have been computed had an election for federal income tax purposes not
34 been made for the year.

35 (34) Add or subtract an amount equal to any loss that is treated under Section 301 of the
36 Emergency Economic Stabilization Act of 2008 as an ordinary loss from the sale or
37 exchange of preferred stock in:

38 (A) the Federal National Mortgage Association, established under the Federal National
39 Mortgage Association Charter Act (12 U.S.C. 1716 et seq.); or

40 (B) the Federal Home Loan Mortgage Corporation, established under the Federal Home
41 Loan Mortgage Corporation Act (12 U.S.C. 1451 et seq.).

42 (b) In the case of corporations, the same as "taxable income" (as defined in Section 63 of the
43 Internal Revenue Code) adjusted as follows:

44 (1) Subtract income that is exempt from taxation under this article by the Constitution and
45 statutes of the United States.

46 (2) Add an amount equal to any deduction or deductions allowed or allowable pursuant to Section
47 170 of the Internal Revenue Code.

48 (3) Add an amount equal to any deduction or deductions allowed or allowable pursuant to Section

63 of the Internal Revenue Code for taxes based on or measured by income and levied at the state level by any state of the United States.

(4) Subtract an amount equal to the amount included in the corporation's taxable income under Section 78 of the Internal Revenue Code.

(5) Add or subtract the amount necessary to make the adjusted gross income of any taxpayer that owns property for which bonus depreciation was allowed in the current taxable year or in an earlier taxable year equal to the amount of adjusted gross income that would have been computed had an election not been made under Section 168(k) of the Internal Revenue Code to apply bonus depreciation to the property in the year that it was placed in service.

(6) Add an amount equal to any deduction allowed under Section 172 of the Internal Revenue Code.

(7) Add or subtract the amount necessary to make the adjusted gross income of any taxpayer that placed Section 179 property (as defined in Section 179 of the Internal Revenue Code) in service in the current taxable year or in an earlier taxable year equal to the amount of adjusted gross income that would have been computed had an election for federal income tax purposes not been made for the year in which the property was placed in service to take deductions under Section 179 of the Internal Revenue Code in a total amount exceeding twenty-five thousand dollars (\$25,000).

(8) Add an amount equal to the amount that a taxpayer claimed as a deduction for domestic production activities for the taxable year under Section 199 of the Internal Revenue Code for federal income tax purposes.

(9) Add to the extent required by IC 6-3-2-20 the amount of intangible expenses (as defined in IC 6-3-2-20) and any directly related intangible interest expenses (as defined in IC 6-3-2-20) for the taxable year that reduced the corporation's taxable income (as defined in Section 63 of the Internal Revenue Code) for federal income tax purposes.

(10) Add an amount equal to any deduction for dividends paid (as defined in Section 561 of the Internal Revenue Code) to shareholders of a captive real estate investment trust (as defined in section 34.5 of this chapter).

(11) Subtract income that is:

(A) exempt from taxation under IC 6-3-2-21.7; and

(B) included in the corporation's taxable income under the Internal Revenue Code.

(12) Add or subtract an amount equal to any income not included in gross income as a result of the deferral of income arising from business indebtedness discharged in connection with the reacquisition after December 31, 2008, and before January 1, 2011, of an applicable debt instrument, as provided in Section 108(i) of the Internal Revenue Code.

(13) Add the amount necessary to make the adjusted gross income of any taxpayer that placed qualified restaurant property in service during the taxable year and that was classified as 15-year property under Section 168(e)(3)(E)(v) of the Internal Revenue Code equal to the amount of adjusted gross income that would have been computed had the classification not applied to the property in the year that it was placed in service.

(14) Add the amount necessary to make the adjusted gross income of any taxpayer that placed qualified retail improvement property in service during the taxable year and that was classified as 15-year property under Section 168(e)(3)(E)(ix) of the Internal Revenue Code equal to the amount of adjusted gross income that would have been computed had the classification not applied to the property in the year that it was placed in service.

(15) Add or subtract the amount necessary to make the adjusted gross income of any taxpayer that claimed the special allowance for qualified disaster assistance property under Section 168(n) of the Internal Revenue Code equal to the amount of adjusted gross income

1 that would have been computed had the special allowance not been claimed for the
2 property.

3 (16) Add or subtract the amount necessary to make the adjusted gross income of any
4 taxpayer that made an election under Section 179C of the Internal Revenue Code to expense
5 costs for qualified refinery property equal to the amount of adjusted gross income that
6 would have been computed had an election for federal income tax purposes not been made
7 for the year.

8 (17) Add or subtract the amount necessary to make the adjusted gross income of any
9 taxpayer that made an election under Section 181 of the Internal Revenue Code to expense
10 costs for a qualified film or television production equal to the amount of adjusted gross
11 income that would have been computed had an election for federal income tax purposes not
12 been made for the year.

13 (18) Add or subtract an amount equal to any loss that is treated under Section 301 of the
14 Emergency Economic Stabilization Act of 2008 as an ordinary loss from the sale or
15 exchange of preferred stock in:

16 (A) the Federal National Mortgage Association, established under the Federal National
17 Mortgage Association Charter Act (12 U.S.C. 1716 et seq.); or

18 (B) the Federal Home Loan Mortgage Corporation, established under the Federal Home
19 Loan Mortgage Corporation Act (12 U.S.C. 1451 et seq.).

20 (c) In the case of life insurance companies (as defined in Section 816(a) of the Internal Revenue
21 Code) that are organized under Indiana law, the same as "life insurance company taxable income" (as
22 defined in Section 801 of the Internal Revenue Code), adjusted as follows:

23 (1) Subtract income that is exempt from taxation under this article by the Constitution and
24 statutes of the United States.

25 (2) Add an amount equal to any deduction allowed or allowable under Section 170 of the Internal
26 Revenue Code.

27 (3) Add an amount equal to a deduction allowed or allowable under Section 805 or Section
28 831(c) of the Internal Revenue Code for taxes based on or measured by income and levied at the
29 state level by any state.

30 (4) Subtract an amount equal to the amount included in the company's taxable income under
31 Section 78 of the Internal Revenue Code.

32 (5) Add or subtract the amount necessary to make the adjusted gross income of any taxpayer that
33 owns property for which bonus depreciation was allowed in the current taxable year or in an
34 earlier taxable year equal to the amount of adjusted gross income that would have been computed
35 had an election not been made under Section 168(k) of the Internal Revenue Code to apply bonus
36 depreciation to the property in the year that it was placed in service.

37 (6) Add an amount equal to any deduction allowed under Section 172 or Section 810 of the
38 Internal Revenue Code.

39 (7) Add or subtract the amount necessary to make the adjusted gross income of any taxpayer that
40 placed Section 179 property (as defined in Section 179 of the Internal Revenue Code) in service
41 in the current taxable year or in an earlier taxable year equal to the amount of adjusted gross
42 income that would have been computed had an election for federal income tax purposes not been
43 made for the year in which the property was placed in service to take deductions under Section
44 179 of the Internal Revenue Code in a total amount exceeding twenty-five thousand dollars
45 (\$25,000).

46 (8) Add an amount equal to the amount that a taxpayer claimed as a deduction for domestic
47 production activities for the taxable year under Section 199 of the Internal Revenue Code for
48 federal income tax purposes.

- 1 (9) Subtract income that is:
- 2 (A) exempt from taxation under IC 6-3-2-21.7; and
- 3 (B) included in the insurance company's taxable income under the Internal Revenue Code.
- 4 **(10) Add or subtract an amount equal to any income not included in gross income as a**
- 5 **result of the deferral of income arising from business indebtedness discharged in connection**
- 6 **with the reacquisition after December 31, 2008, and before January 1, 2011, of an**
- 7 **applicable debt instrument, as provided in Section 108(i) of the Internal Revenue Code.**
- 8 **(11) Add the amount necessary to make the adjusted gross income of any taxpayer that**
- 9 **placed qualified restaurant property in service during the taxable year and that was**
- 10 **classified as 15-year property under Section 168(e)(3)(E)(v) of the Internal Revenue Code**
- 11 **equal to the amount of adjusted gross income that would have been computed had the**
- 12 **classification not applied to the property in the year that it was placed in service.**
- 13 **(12) Add the amount necessary to make the adjusted gross income of any taxpayer that**
- 14 **placed qualified retail improvement property in service during the taxable year and that**
- 15 **was classified as 15-year property under Section 168(e)(3)(E)(ix) of the Internal Revenue**
- 16 **Code equal to the amount of adjusted gross income that would have been computed had the**
- 17 **classification not applied to the property in the year that it was placed in service.**
- 18 **(13) Add or subtract the amount necessary to make the adjusted gross income of any**
- 19 **taxpayer that claimed the special allowance for qualified disaster assistance property under**
- 20 **Section 168(n) of the Internal Revenue Code equal to the amount of adjusted gross income**
- 21 **that would have been computed had the special allowance not been claimed for the**
- 22 **property.**
- 23 **(14) Add or subtract the amount necessary to make the adjusted gross income of any**
- 24 **taxpayer that made an election under Section 179C of the Internal Revenue Code to expense**
- 25 **costs for qualified refinery property equal to the amount of adjusted gross income that**
- 26 **would have been computed had an election for federal income tax purposes not been made**
- 27 **for the year.**
- 28 **(15) Add or subtract the amount necessary to make the adjusted gross income of any**
- 29 **taxpayer that made an election under Section 181 of the Internal Revenue Code to expense**
- 30 **costs for a qualified film or television production equal to the amount of adjusted gross**
- 31 **income that would have been computed had an election for federal income tax purposes not**
- 32 **been made for the year.**
- 33 **(16) Add or subtract an amount equal to any loss that is treated under Section 301 of the**
- 34 **Emergency Economic Stabilization Act of 2008 as an ordinary loss from the sale or**
- 35 **exchange of preferred stock in:**
- 36 **(A) the Federal National Mortgage Association, established under the Federal National**
- 37 **Mortgage Association Charter Act (12 U.S.C. 1716 et seq.); or**
- 38 **(B) the Federal Home Loan Mortgage Corporation, established under the Federal Home**
- 39 **Loan Mortgage Corporation Act (12 U.S.C. 1451 et seq.).**
- 40 **(17) Add an amount equal to any exempt insurance income under Section 953(e) of the**
- 41 **Internal Revenue Code that is active financing income under Subpart F of Subtitle A,**
- 42 **Chapter 1, Subchapter N of the Internal Revenue Code.**
- 43 (d) In the case of insurance companies subject to tax under Section 831 of the Internal Revenue
- 44 Code and organized under Indiana law, the same as "taxable income" (as defined in Section 832 of the
- 45 Internal Revenue Code), adjusted as follows:
- 46 (1) Subtract income that is exempt from taxation under this article by the Constitution and
- 47 statutes of the United States.
- 48 (2) Add an amount equal to any deduction allowed or allowable under Section 170 of the Internal

Revenue Code.

(3) Add an amount equal to a deduction allowed or allowable under Section 805 or Section 831(c) of the Internal Revenue Code for taxes based on or measured by income and levied at the state level by any state.

(4) Subtract an amount equal to the amount included in the company's taxable income under Section 78 of the Internal Revenue Code.

(5) Add or subtract the amount necessary to make the adjusted gross income of any taxpayer that owns property for which bonus depreciation was allowed in the current taxable year or in an earlier taxable year equal to the amount of adjusted gross income that would have been computed had an election not been made under Section 168(k) of the Internal Revenue Code to apply bonus depreciation to the property in the year that it was placed in service.

(6) Add an amount equal to any deduction allowed under Section 172 of the Internal Revenue Code.

(7) Add or subtract the amount necessary to make the adjusted gross income of any taxpayer that placed Section 179 property (as defined in Section 179 of the Internal Revenue Code) in service in the current taxable year or in an earlier taxable year equal to the amount of adjusted gross income that would have been computed had an election for federal income tax purposes not been made for the year in which the property was placed in service to take deductions under Section 179 of the Internal Revenue Code in a total amount exceeding twenty-five thousand dollars (\$25,000).

(8) Add an amount equal to the amount that a taxpayer claimed as a deduction for domestic production activities for the taxable year under Section 199 of the Internal Revenue Code for federal income tax purposes.

(9) Subtract income that is:

(A) exempt from taxation under IC 6-3-2-21.7; and

(B) included in the insurance company's taxable income under the Internal Revenue Code.

(10) Add or subtract an amount equal to any income not included in gross income as a result of the deferral of income arising from business indebtedness discharged in connection with the reacquisition after December 31, 2008, and before January 1, 2011, of an applicable debt instrument, as provided in Section 108(i) of the Internal Revenue Code.

(11) Add the amount necessary to make the adjusted gross income of any taxpayer that placed qualified restaurant property in service during the taxable year and that was classified as 15-year property under Section 168(e)(3)(E)(v) of the Internal Revenue Code equal to the amount of adjusted gross income that would have been computed had the classification not applied to the property in the year that it was placed in service.

(12) Add the amount necessary to make the adjusted gross income of any taxpayer that placed qualified retail improvement property in service during the taxable year and that was classified as 15-year property under Section 168(e)(3)(E)(ix) of the Internal Revenue Code equal to the amount of adjusted gross income that would have been computed had the classification not applied to the property in the year that it was placed in service.

(13) Add or subtract the amount necessary to make the adjusted gross income of any taxpayer that claimed the special allowance for qualified disaster assistance property under Section 168(n) of the Internal Revenue Code equal to the amount of adjusted gross income that would have been computed had the special allowance not been claimed for the property.

(14) Add or subtract the amount necessary to make the adjusted gross income of any taxpayer that made an election under Section 179C of the Internal Revenue Code to expense costs for qualified refinery property equal to the amount of adjusted gross income that

would have been computed had an election for federal income tax purposes not been made for the year.

(15) Add or subtract the amount necessary to make the adjusted gross income of any taxpayer that made an election under Section 181 of the Internal Revenue Code to expense costs for a qualified film or television production equal to the amount of adjusted gross income that would have been computed had an election for federal income tax purposes not been made for the year.

(16) Add or subtract an amount equal to any loss that is treated under Section 301 of the Emergency Economic Stabilization Act of 2008 as an ordinary loss from the sale or exchange of preferred stock in:

(A) the Federal National Mortgage Association, established under the Federal National Mortgage Association Charter Act (12 U.S.C. 1716 et seq.); or

(B) the Federal Home Loan Mortgage Corporation, established under the Federal Home Loan Mortgage Corporation Act (12 U.S.C. 1451 et seq.).

(17) Add an amount equal to any exempt insurance income under Section 953(e) of the Internal Revenue Code for active financing income under Subpart F, Subtitle A, Chapter 1, Subchapter N of the Internal Revenue Code.

(e) In the case of trusts and estates, "taxable income" (as defined for trusts and estates in Section 641(b) of the Internal Revenue Code) adjusted as follows:

(1) Subtract income that is exempt from taxation under this article by the Constitution and statutes of the United States.

(2) Subtract an amount equal to the amount of a September 11 terrorist attack settlement payment included in the federal adjusted gross income of the estate of a victim of the September 11 terrorist attack or a trust to the extent the trust benefits a victim of the September 11 terrorist attack.

(3) Add or subtract the amount necessary to make the adjusted gross income of any taxpayer that owns property for which bonus depreciation was allowed in the current taxable year or in an earlier taxable year equal to the amount of adjusted gross income that would have been computed had an election not been made under Section 168(k) of the Internal Revenue Code to apply bonus depreciation to the property in the year that it was placed in service.

(4) Add an amount equal to any deduction allowed under Section 172 of the Internal Revenue Code.

(5) Add or subtract the amount necessary to make the adjusted gross income of any taxpayer that placed Section 179 property (as defined in Section 179 of the Internal Revenue Code) in service in the current taxable year or in an earlier taxable year equal to the amount of adjusted gross income that would have been computed had an election for federal income tax purposes not been made for the year in which the property was placed in service to take deductions under Section 179 of the Internal Revenue Code in a total amount exceeding twenty-five thousand dollars (\$25,000).

(6) Add an amount equal to the amount that a taxpayer claimed as a deduction for domestic production activities for the taxable year under Section 199 of the Internal Revenue Code for federal income tax purposes.

(7) Subtract income that is:

(A) exempt from taxation under IC 6-3-2-21.7; and

(B) included in the taxpayer's taxable income under the Internal Revenue Code.

(8) Add or subtract an amount equal to any income not included in gross income as a result of the deferral of income arising from business indebtedness discharged in connection with the reacquisition after December 31, 2008, and before January 1, 2011, of an applicable

1 debt instrument, as provided in Section 108(i) of the Internal Revenue Code.

2 (9) Add the amount necessary to make the adjusted gross income of any taxpayer that
3 placed qualified restaurant property in service during the taxable year and that was
4 classified as 15-year property under Section 168(e)(3)(E)(v) of the Internal Revenue Code
5 equal to the amount of adjusted gross income that would have been computed had the
6 classification not applied to the property in the year that it was placed in service.

7 (10) Add the amount necessary to make the adjusted gross income of any taxpayer that
8 placed qualified retail improvement property in service during the taxable year and that
9 was classified as 15-year property under Section 168(e)(3)(E)(ix) of the Internal Revenue
10 Code equal to the amount of adjusted gross income that would have been computed had the
11 classification not applied to the property in the year that it was placed in service.

12 (11) Add or subtract the amount necessary to make the adjusted gross income of any
13 taxpayer that claimed the special allowance for qualified disaster assistance property under
14 Section 168(n) of the Internal Revenue Code equal to the amount of adjusted gross income
15 that would have been computed had the special allowance not been claimed for the
16 property.

17 (12) Add or subtract the amount necessary to make the adjusted gross income of any
18 taxpayer that made an election under Section 179C of the Internal Revenue Code to expense
19 costs for qualified refinery property equal to the amount of adjusted gross income that
20 would have been computed had an election for federal income tax purposes not been made
21 for the year.

22 (13) Add or subtract the amount necessary to make the adjusted gross income of any
23 taxpayer that made an election under Section 181 of the Internal Revenue Code to expense
24 costs for a qualified film or television production equal to the amount of adjusted gross
25 income that would have been computed had an election for federal income tax purposes not
26 been made for the year.

27 (14) Add or subtract an amount equal to any loss that is treated under Section 301 of the
28 Emergency Economic Stabilization Act of 2008 as an ordinary loss from the sale or
29 exchange of preferred stock in:

30 (A) the Federal National Mortgage Association, established under the Federal National
31 Mortgage Association Charter Act (12 U.S.C. 1716 et seq.); or

32 (B) the Federal Home Loan Mortgage Corporation, established under the Federal Home
33 Loan Mortgage Corporation Act (12 U.S.C. 1451 et seq.).

34 (f) This subsection applies only to the extent that an individual paid property taxes in 2004 that
35 were imposed for the March 1, 2002, assessment date or the January 15, 2003, assessment date. The
36 maximum amount of the deduction under subsection (a)(17) is equal to the amount determined under
37 STEP FIVE of the following formula:

38 STEP ONE: Determine the amount of property taxes that the taxpayer paid after December 31,
39 2003, in the taxable year for property taxes imposed for the March 1, 2002, assessment date and
40 the January 15, 2003, assessment date.

41 STEP TWO: Determine the amount of property taxes that the taxpayer paid in the taxable year
42 for the March 1, 2003, assessment date and the January 15, 2004, assessment date.

43 STEP THREE: Determine the result of the STEP ONE amount divided by the STEP TWO
44 amount.

45 STEP FOUR: Multiply the STEP THREE amount by two thousand five hundred dollars (\$2,500).

46 STEP FIVE: Determine the sum of the STEP FOUR amount and two thousand five hundred
47 dollars (\$2,500).

48 SECTION 68. IC 6-3-1-11, AS AMENDED BY P.L.131-2008, SECTION 12, IS AMENDED TO

1 READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2009 (RETROACTIVE)]: Sec. 11. (a) The term
2 "Internal Revenue Code" means the Internal Revenue Code of 1986 of the United States as amended
3 and in effect on ~~January 1, 2008~~. **February 17, 2009**.

4 (b) Whenever the Internal Revenue Code is mentioned in this article, the particular provisions that
5 are referred to, together with all the other provisions of the Internal Revenue Code in effect on ~~January~~
6 ~~1, 2008~~, **February 17, 2009**, that pertain to the provisions specifically mentioned, shall be regarded
7 as incorporated in this article by reference and have the same force and effect as though fully set forth
8 in this article. To the extent the provisions apply to this article, regulations adopted under Section
9 7805(a) of the Internal Revenue Code and in effect on ~~January 1, 2008~~. **February 17, 2009**, shall be
10 regarded as rules adopted by the department under this article, unless the department adopts specific
11 rules that supersede the regulation.

12 (c) An amendment to the Internal Revenue Code made by an act passed by Congress before ~~January~~
13 ~~1, 2008~~, **February 17, 2009**, that is effective for any taxable year that began before January 1, ~~2008~~,
14 **2009**, and that affects:

- 15 (1) individual adjusted gross income (as defined in Section 62 of the Internal Revenue Code);
- 16 (2) corporate taxable income (as defined in Section 63 of the Internal Revenue Code);
- 17 (3) trust and estate taxable income (as defined in Section 641(b) of the Internal Revenue Code);
- 18 (4) life insurance company taxable income (as defined in Section 801(b) of the Internal Revenue
- 19 Code);
- 20 (5) mutual insurance company taxable income (as defined in Section 821(b) of the Internal
- 21 Revenue Code); or
- 22 (6) taxable income (as defined in Section 832 of the Internal Revenue Code);

23 is also effective for that same taxable year for purposes of determining adjusted gross income under
24 section 3.5 of this chapter.

25 SECTION 69. IC 6-3-2-2.5 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY
26 1, 2009 (RETROACTIVE)]: Sec. 2.5. (a) This section applies to a resident person.

27 (b) Resident persons are entitled to a net operating loss deduction. The amount of the deduction
28 taken in a taxable year may not exceed the taxpayer's unused Indiana net operating losses carried back
29 or carried over to that year.

30 (c) An Indiana net operating loss equals the taxpayer's federal net operating loss for a taxable year
31 as calculated under Section 172 of the Internal Revenue Code, adjusted for the modifications required
32 by IC 6-3-1-3.5.

33 (d) The following provisions apply for purposes of subsection (c):

- 34 (1) The modifications that are to be applied are those modifications required under IC 6-3-1-3.5
- 35 for the same taxable year in which each net operating loss was incurred.
- 36 (2) An Indiana net operating loss includes a net operating loss that arises when the modifications
- 37 required by IC 6-3-1-3.5 exceed the taxpayer's federal adjusted gross income (as defined in
- 38 Section 62 of the Internal Revenue Code) for the taxable year in which the Indiana net operating
- 39 loss is determined.

40 (e) Subject to the limitations contained in subsection (g), an Indiana net operating loss carryback
41 or carryover shall be available as a deduction from the taxpayer's adjusted gross income (as defined
42 in IC 6-3-1-3.5) in the carryback or carryover year provided in subsection (f).

43 (f) Carrybacks and carryovers shall be determined under this subsection as follows:

- 44 (1) An Indiana net operating loss shall be an Indiana net operating loss carryback to each of the
- 45 carryback years preceding the taxable year of the loss.
- 46 (2) An Indiana net operating loss shall be an Indiana net operating loss carryover to each of the
- 47 carryover years following the taxable year of the loss.
- 48 (3) Carryback years shall be determined by reference to the number of years allowed for carrying

back a net operating loss under Section 172(b) of the Internal Revenue Code. **However, with respect to the carryback period for a net operating loss:**

(A) for which for an eligible small business, as defined in Section 172(b)(1)(H)(iv) of the Internal Revenue Code, made an election to use five (5) years instead of two (2) years under Section 172(b)(1)(H) of the Internal Revenue Code, two (2) years shall be used instead of five (5) years; or

(B) that is a qualified disaster loss for which the taxpayer elected to have the net operating loss carryback period with respect to the loss year determined without regard to Section 172(b)(1)(J) of the Internal Revenue Code, five (5) years shall be used.

(4) Carryover years shall be determined by reference to the number of years allowed for carrying over net operating losses under Section 172(b) of the Internal Revenue Code.

(5) A taxpayer who makes an election under Section 172(b)(3) of the Internal Revenue Code to relinquish the carryback period with respect to a net operating loss for any taxable year shall be considered to have also relinquished the carryback of the Indiana net operating loss for purposes of this section.

(g) The entire amount of the Indiana net operating loss for any taxable year shall be carried to the earliest of the taxable years to which (as determined under subsection (f)) the loss may be carried. The amount of the Indiana net operating loss remaining after the deduction is taken under this section in a taxable year may be carried back or carried over as provided in subsection (f). The amount of the Indiana net operating loss carried back or carried over from year to year shall be reduced to the extent that the Indiana net operating loss carryback or carryover is used by the taxpayer to obtain a deduction in a taxable year until the occurrence of the earlier of the following:

(1) The entire amount of the Indiana net operating loss has been used as a deduction.

(2) The Indiana net operating loss has been carried over to each of the carryover years provided by subsection (f).

SECTION 70. IC 6-3-2-2.6, AS AMENDED BY P.L.2-2005, SECTION 21, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2009 (RETROACTIVE)]: Sec. 2.6. (a) This section applies to a corporation or a nonresident person.

(b) Corporations and nonresident persons are entitled to a net operating loss deduction. The amount of the deduction taken in a taxable year may not exceed the taxpayer's unused Indiana net operating losses carried back or carried over to that year.

(c) An Indiana net operating loss equals the taxpayer's federal net operating loss for a taxable year as calculated under Section 172 of the Internal Revenue Code, derived from sources within Indiana and adjusted for the modifications required by IC 6-3-1-3.5.

(d) The following provisions apply for purposes of subsection (c):

(1) The modifications that are to be applied are those modifications required under IC 6-3-1-3.5 for the same taxable year in which each net operating loss was incurred.

(2) The amount of the taxpayer's net operating loss that is derived from sources within Indiana shall be determined in the same manner that the amount of the taxpayer's adjusted income derived from sources within Indiana is determined under section 2 of this chapter for the same taxable year during which each loss was incurred.

(3) An Indiana net operating loss includes a net operating loss that arises when the modifications required by IC 6-3-1-3.5 exceed the taxpayer's federal taxable income (as defined in Section 63 of the Internal Revenue Code), if the taxpayer is a corporation, or when the modifications required by IC 6-3-1-3.5 exceed the taxpayer's federal adjusted gross income (as defined by Section 62 of the Internal Revenue Code), if the taxpayer is a nonresident person, for the taxable year in which the Indiana net operating loss is determined.

(e) Subject to the limitations contained in subsection (g), an Indiana net operating loss carryback

or carryover shall be available as a deduction from the taxpayer's adjusted gross income derived from sources within Indiana (as defined in section 2 of this chapter) in the carryback or carryover year provided in subsection (f).

(f) Carrybacks and carryovers shall be determined under this subsection as follows:

(1) An Indiana net operating loss shall be an Indiana net operating loss carryback to each of the carryback years preceding the taxable year of the loss.

(2) An Indiana net operating loss shall be an Indiana net operating loss carryover to each of the carryover years following the taxable year of the loss.

(3) Carryback years shall be determined by reference to the number of years allowed for carrying back a net operating loss under Section 172(b) of the Internal Revenue Code. **However, with respect to the carryback period for a net operating loss:**

(A) for which for an eligible small business, as defined in Section 172(b)(1)(H)(iv) of the Internal Revenue Code, made an election to use five (5) years instead of two (2) years under Section 172(b)(1)(H) of the Internal Revenue Code, two (2) years shall be used instead of five (5) years; or

(B) that is a qualified disaster loss for which the taxpayer elected to have the net operating loss carryback period with respect to the loss year determined without regard to Section 172(b)(1)(J) of the Internal Revenue Code, five (5) years shall be used.

(4) Carryover years shall be determined by reference to the number of years allowed for carrying over net operating losses under Section 172(b) of the Internal Revenue Code.

(5) A taxpayer who makes an election under Section 172(b)(3) of the Internal Revenue Code to relinquish the carryback period with respect to a net operating loss for any taxable year shall be considered to have also relinquished the carryback of the Indiana net operating loss for purposes of this section.

(g) The entire amount of the Indiana net operating loss for any taxable year shall be carried to the earliest of the taxable years to which (as determined under subsection (f)) the loss may be carried. The amount of the Indiana net operating loss remaining after the deduction is taken under this section in a taxable year may be carried back or carried over as provided in subsection (f). The amount of the Indiana net operating loss carried back or carried over from year to year shall be reduced to the extent that the Indiana net operating loss carryback or carryover is used by the taxpayer to obtain a deduction in a taxable year until the occurrence of the earlier of the following:

(1) The entire amount of the Indiana net operating loss has been used as a deduction.

(2) The Indiana net operating loss has been carried over to each of the carryover years provided by subsection (f).

(h) An Indiana net operating loss deduction determined under this section shall be allowed notwithstanding the fact that in the year the taxpayer incurred the net operating loss the taxpayer was not subject to the tax imposed under section 1 of this chapter because the taxpayer was:

(1) a life insurance company (as defined in Section 816(a) of the Internal Revenue Code); or

(2) an insurance company subject to tax under Section 831 of the Internal Revenue Code.

(i) In the case of a life insurance company that claims an operations loss deduction under Section 810 of the Internal Revenue Code, this section shall be applied by:

(1) substituting the corresponding provisions of Section 810 of the Internal Revenue Code in place of references to Section 172 of the Internal Revenue Code; and

(2) substituting life insurance company taxable income (as defined in Section 801 the Internal Revenue Code) in place of references to taxable income (as defined in Section 63 of the Internal Revenue Code).

(j) For purposes of an amended return filed to carry back an Indiana net operating loss:

(1) the term "due date of the return", as used in IC 6-8.1-9-1(a)(1), means the due date of the

1 return for the taxable year in which the net operating loss was incurred; and

2 (2) the term "date the payment was due", as used in IC 6-8.1-9-2(c), means the due date of the
3 return for the taxable year in which the net operating loss was incurred.

4 SECTION 71. IC 6-3-2-10 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY
5 1, 2009 (RETROACTIVE)]: Sec. 10. (a) An individual who received unemployment compensation,
6 as defined in subsection (c), during the taxable year is entitled to a deduction from the individual's
7 adjusted gross income for that taxable year in the amount determined using the following formula:

8 STEP ONE: Determine the **greater of zero (0) or the** difference between:

9 (A) the **sum of:**

10 (i) **the** federal adjusted gross income of the individual (or the individual and the individual's
11 spouse, in the case of a joint return), as defined in Section 62 of the Internal Revenue Code;

12 **plus**

13 (ii) **the amount of unemployment compensation excluded from federal gross income,**
14 **as defined in Section 61 of the Internal Revenue Code, under Section 85(c) of the**
15 **Internal Revenue Code; minus**

16 (B) the base amount as defined in subsection (b).

17 STEP TWO: Determine the greater of zero (0) or the difference between:

18 (A) the individual's unemployment compensation for the taxable year; minus

19 (B) one-half (1/2) of the amount determined under STEP ONE.

20 (b) As used in this section, "base amount" means:

21 (1) twelve thousand dollars (\$12,000) in all cases not covered by subdivision (2) or (3);

22 (2) eighteen thousand dollars (\$18,000) in the case of an individual who files a joint return for
23 the taxable year; or

24 (3) zero (0), in the case of an individual who:

25 (A) is married at the close of the taxable year, as determined under Section 143 of the Internal
26 Revenue Code;

27 (B) does not file a joint return for the taxable year; and

28 (C) does not live apart from the individual's spouse at all times during the taxable year.

29 (c) As used in this section, "unemployment compensation" means the amount of unemployment
30 compensation that is included in the individual's federal gross income under Section 85 of the Internal
31 Revenue Code.

32 SECTION 72. IC 6-3.1-30.5 IS ADDED TO THE INDIANA CODE AS A **NEW** CHAPTER TO
33 READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]:

34 **Chapter 30.5. School Scholarship Tax Credit**

35 **Sec. 1. As used in this chapter, "credit" refers to a credit granted under this chapter.**

36 **Sec. 2. As used in this chapter, "pass through entity" means:**

37 (1) **a corporation that is exempt from the adjusted gross income tax under IC 6-3-2-2.8(2);**

38 (2) **a partnership;**

39 (3) **a trust;**

40 (4) **a limited liability company; or**

41 (5) **a limited liability partnership.**

42 **Sec. 3. As used in this chapter, "scholarship granting organization" refers to an organization**
43 **that:**

44 (1) **is exempt from federal income taxation under Section 501(c)(3) of the Internal Revenue**
45 **Code; and**

46 (2) **conducts a school scholarship program.**

47 **Sec. 4. As used in this chapter, "school scholarship program" refers to a scholarship program**
48 **certified by the department under IC 20-51.**

1 **Sec. 5.** As used in this chapter, "state tax liability" means a taxpayer's total tax liability that
2 is incurred under:

3 (1) IC 6-3-1 through IC 6-3-7 (the adjusted gross income tax);

4 (2) IC 6-5.5 (the financial institutions tax); and

5 (3) IC 27-1-18-2 (the insurance premiums tax);

6 as computed after the application of the credits that under IC 6-3.1-1-2 are to be applied before
7 the credit provided by this chapter.

8 **Sec. 6.** As used in this chapter, "taxpayer" means an individual or entity that has any state
9 tax liability.

10 **Sec. 7.** A taxpayer that makes a contribution to a scholarship granting organization for use
11 by the scholarship granting organization in a school scholarship program is entitled to a credit
12 against the taxpayer's state tax liability in the taxable year in which the taxpayer makes the
13 contribution.

14 **Sec. 8.** The amount of a taxpayer's credit is equal to fifty percent (50%) of the amount of the
15 contribution made to the scholarship granting organization for a school scholarship program.

16 **Sec. 9.** A taxpayer is not entitled to a carryover, carryback, or refund of an unused credit.

17 **Sec. 10.** If a pass through entity is entitled to a credit under section 7 of this chapter but does
18 not have state tax liability against which the tax credit may be applied, a shareholder, partner,
19 or member of the pass through entity is entitled to a tax credit equal to:

20 (1) the tax credit determined for the pass through entity for the taxable year; multiplied by

21 (2) the percentage of the pass through entity's distributive income to which the shareholder,
22 partner, or member is entitled.

23 **Sec. 11.** To apply a credit against the taxpayer's state tax liability, a taxpayer must claim the
24 credit on the taxpayer's annual state tax return or returns in the manner prescribed by the
25 department. The taxpayer shall submit to the department the information that the department
26 determines is necessary for the department to determine whether the taxpayer is eligible for the
27 credit.

28 **Sec. 12.** A contribution shall be treated as having been made for use in a school scholarship
29 program if:

30 (1) the contribution is made directly to a scholarship granting organization; and

31 (2) either:

32 (A) not later than the date of the contribution, the taxpayer designates in writing to the
33 scholarship granting organization that the contribution is to be used only for a school
34 scholarship program; or

35 (B) the scholarship granting organization provides the taxpayer with written
36 confirmation that the contribution will be dedicated solely for use in a school scholarship
37 program.

38 **Sec. 13. (a)** The total amount of tax credits awarded under this chapter may not exceed five
39 million dollars (\$5,000,000) in any state fiscal year.

40 **(b)** The department shall:

41 (1) record the time of filing of each application for a credit under this chapter; and

42 (2) approve the applications, if they otherwise qualify for a tax credit under this chapter,
43 in the chronological order in which the applications are filed in the state fiscal year.

44 **(c)** When the total credits approved under this section equal the maximum amount allowable
45 in any state fiscal year, an application filed after that time for the same fiscal year may not be
46 approved. However, if an applicant for whom a credit has been approved fails to file any
47 necessary information required by department, an amount equal to the credit previously
48 allowed or set aside for the applicant may be allowed to any subsequent applicant in the year.

1 In addition, the department may, if the applicant so requests, approve a credit application, in
2 whole or in part, with respect to the next succeeding state fiscal year.

3 Sec. 14. The department, on an Internet web site used by the department to provide
4 information to the public, shall provide the following information:

5 (1) The application for the credit provided in this chapter.

6 (2) A timeline for receiving the credit provided in this chapter.

7 (3) The total amount of credits awarded under this chapter during the current calendar
8 year.

9 Sec. 15. The department shall adopt rules under IC 4-22-2 to implement this chapter.

10 SECTION 73. IC 6-3.5-1.1-14, AS AMENDED BY P.L.146-2008, SECTION 328, IS AMENDED
11 TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2009 (RETROACTIVE)]: Sec. 14. (a) In
12 determining the amount of property tax replacement credits civil taxing units and school corporations
13 of a county are entitled to receive during a calendar year, the department of local government finance
14 shall consider only property taxes imposed on tangible property that was assessed in that county.

15 (b) If a civil taxing unit or a school corporation is located in more than one (1) county and receives
16 property tax replacement credits from one (1) or more of the counties, then the property tax
17 replacement credits received from each county shall be used only to reduce the property tax rates that
18 are imposed within the county that distributed the property tax replacement credits.

19 (c) A civil taxing unit shall treat any property tax replacement credits that it receives or is to receive
20 during a particular calendar year as a part of its property tax levy for that same calendar year for
21 purposes of fixing its budget and for purposes of the property tax levy limits imposed by IC 6-1.1-18.5.

22 (d) Subject to subsection (e), if a civil taxing unit or school corporation of an adopting county does
23 not impose a property tax levy that is first due and payable in a calendar year in which property tax
24 replacement credits are being distributed, the civil taxing unit or school corporation is entitled to use
25 the property tax replacement credits distributed to the civil taxing unit or school corporation for any
26 purpose for which a property tax levy could be used.

27 (e) A school corporation shall treat any property tax replacement credits that the school corporation
28 receives or is to receive during a particular calendar year as a part of its property tax levy for its debt
29 service fund, capital projects fund, transportation fund, **and** school bus replacement fund **and** ~~special~~
30 ~~education preschool fund~~ in proportion to the levy for each of these funds for that same calendar year
31 for purposes of fixing its budget. A school corporation shall allocate the property tax replacement
32 credits described in this subsection to all ~~five (5)~~ **four (4)** funds in proportion to the levy for each fund.

33 SECTION 74. IC 6-5.5-1-2, AS AMENDED BY P.L.223-2007, SECTION 5, IS AMENDED TO
34 READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2009 (RETROACTIVE)]: Sec. 2. (a) Except as
35 provided in subsections (b) through (d), "adjusted gross income" means taxable income as defined in
36 Section 63 of the Internal Revenue Code, adjusted as follows:

37 (1) Add the following amounts:

38 (A) An amount equal to a deduction allowed or allowable under Section 166, Section 585, or
39 Section 593 of the Internal Revenue Code.

40 (B) An amount equal to a deduction allowed or allowable under Section 170 of the Internal
41 Revenue Code.

42 (C) An amount equal to a deduction or deductions allowed or allowable under Section 63 of
43 the Internal Revenue Code for taxes based on or measured by income and levied at the state
44 level by a state of the United States or levied at the local level by any subdivision of a state
45 of the United States.

46 (D) The amount of interest excluded under Section 103 of the Internal Revenue Code or under
47 any other federal law, minus the associated expenses disallowed in the computation of taxable
48 income under Section 265 of the Internal Revenue Code.

1 (E) An amount equal to the deduction allowed under Section 172 or 1212 of the Internal
2 Revenue Code for net operating losses or net capital losses.

3 (F) For a taxpayer that is not a large bank (as defined in Section 585(c)(2) of the Internal
4 Revenue Code), an amount equal to the recovery of a debt, or part of a debt, that becomes
5 worthless to the extent a deduction was allowed from gross income in a prior taxable year
6 under Section 166(a) of the Internal Revenue Code.

7 (G) Add the amount necessary to make the adjusted gross income of any taxpayer that owns
8 property for which bonus depreciation was allowed in the current taxable year or in an earlier
9 taxable year equal to the amount of adjusted gross income that would have been computed had
10 an election not been made under Section 168(k) of the Internal Revenue Code to apply bonus
11 depreciation to the property in the year that it was placed in service.

12 (H) Add the amount necessary to make the adjusted gross income of any taxpayer that placed
13 Section 179 property (as defined in Section 179 of the Internal Revenue Code) in service in
14 the current taxable year or in an earlier taxable year equal to the amount of adjusted gross
15 income that would have been computed had an election for federal income tax purposes not
16 been made for the year in which the property was placed in service to take deductions under
17 Section 179 of the Internal Revenue Code in a total amount exceeding twenty-five thousand
18 dollars (\$25,000).

19 (I) Add an amount equal to the amount that a taxpayer claimed as a deduction for domestic
20 production activities for the taxable year under Section 199 of the Internal Revenue Code for
21 federal income tax purposes.

22 **(J) Add or subtract an amount equal to any income not included in gross income as a**
23 **result of the deferral of income arising from business indebtedness discharged in**
24 **connection with the reacquisition after December 31, 2008, and before January 1, 2011,**
25 **of an applicable debt instrument, as provided in Section 108(i) of the Internal Revenue**
26 **Code.**

27 **(K) Add the amount necessary to make the adjusted gross income of any taxpayer that**
28 **placed qualified restaurant property in service during the taxable year and that was**
29 **classified as 15-year property under Section 168(e)(3)(E)(v) of the Internal Revenue**
30 **Code equal to the amount of adjusted gross income that would have been computed had**
31 **the classification not applied to the property in the year that it was placed in service.**

32 **(L) Add the amount necessary to make the adjusted gross income of any taxpayer that**
33 **placed qualified retail improvement property in service during the taxable year and that**
34 **was classified as 15-year property under Section 168(e)(3)(E)(ix) of the Internal Revenue**
35 **Code equal to the amount of adjusted gross income that would have been computed had**
36 **the classification not applied to the property in the year that it was placed in service.**

37 **(M) Add or subtract the amount necessary to make the adjusted gross income of any**
38 **taxpayer that claimed the special allowance for qualified disaster assistance property**
39 **under Section 168(n) of the Internal Revenue Code equal to the amount of adjusted gross**
40 **income that would have been computed had the special allowance not been claimed for**
41 **the property.**

42 **(N) Add or subtract the amount necessary to make the adjusted gross income of any**
43 **taxpayer that made an election under Section 179C of the Internal Revenue Code to**
44 **expense costs for qualified refinery property equal to the amount of adjusted gross**
45 **income that would have been computed had an election for federal income tax purposes**
46 **not been made for the year.**

47 **(O) Add or subtract the amount necessary to make the adjusted gross income of any**
48 **taxpayer that made an election under Section 181 of the Internal Revenue Code to**

1 expense costs for a qualified film or television production equal to the amount of
2 adjusted gross income that would have been computed had an election for federal
3 income tax purposes not been made for the year.

4 (P) Add or subtract an amount equal to any loss that is treated under Section 301 of the
5 Emergency Economic Stabilization Act of 2008 as an ordinary loss from the sale or
6 exchange of preferred stock in:

7 (i) the Federal National Mortgage Association, established under the Federal National
8 Mortgage Association Charter Act (12 U.S.C. 1716 et seq.); or

9 (ii) the Federal Home Loan Mortgage Corporation, established under the Federal
10 Home Loan Mortgage Corporation Act (12 U.S.C. 1451 et seq.).

11 (Q) Add an amount equal to any exempt insurance income under Section 953(e) of the
12 Internal Revenue Code for active financing income under Subpart F, Subtitle A,
13 Chapter 1, Subchapter N of the Internal Revenue Code.

14 (2) Subtract the following amounts:

15 (A) Income that the United States Constitution or any statute of the United States prohibits
16 from being used to measure the tax imposed by this chapter.

17 (B) Income that is derived from sources outside the United States, as defined by the Internal
18 Revenue Code.

19 (C) An amount equal to a debt or part of a debt that becomes worthless, as permitted under
20 Section 166(a) of the Internal Revenue Code.

21 (D) An amount equal to any bad debt reserves that are included in federal income because of
22 accounting method changes required by Section 585(c)(3)(A) or Section 593 of the Internal
23 Revenue Code.

24 (E) The amount necessary to make the adjusted gross income of any taxpayer that owns
25 property for which bonus depreciation was allowed in the current taxable year or in an earlier
26 taxable year equal to the amount of adjusted gross income that would have been computed had
27 an election not been made under Section 168(k) of the Internal Revenue Code to apply bonus
28 depreciation.

29 (F) The amount necessary to make the adjusted gross income of any taxpayer that placed
30 Section 179 property (as defined in Section 179 of the Internal Revenue Code) in service in
31 the current taxable year or in an earlier taxable year equal to the amount of adjusted gross
32 income that would have been computed had an election for federal income tax purposes not
33 been made for the year in which the property was placed in service to take deductions under
34 Section 179 of the Internal Revenue Code in a total amount exceeding twenty-five thousand
35 dollars (\$25,000).

36 (G) Income that is:

37 (i) exempt from taxation under IC 6-3-2-21.7; and

38 (ii) included in the taxpayer's taxable income under the Internal Revenue Code.

39 (b) In the case of a credit union, "adjusted gross income" for a taxable year means the total transfers
40 to undivided earnings minus dividends for that taxable year after statutory reserves are set aside under
41 IC 28-7-1-24.

42 (c) In the case of an investment company, "adjusted gross income" means the company's federal
43 taxable income multiplied by the quotient of:

44 (1) the aggregate of the gross payments collected by the company during the taxable year from
45 old and new business upon investment contracts issued by the company and held by residents of
46 Indiana; divided by

47 (2) the total amount of gross payments collected during the taxable year by the company from the
48 business upon investment contracts issued by the company and held by persons residing within

1 Indiana and elsewhere.

2 (d) As used in subsection (c), "investment company" means a person, copartnership, association,
3 limited liability company, or corporation, whether domestic or foreign, that:

4 (1) is registered under the Investment Company Act of 1940 (15 U.S.C. 80a-1 et seq.); and

5 (2) solicits or receives a payment to be made to itself and issues in exchange for the payment:

6 (A) a so-called bond;

7 (B) a share;

8 (C) a coupon;

9 (D) a certificate of membership;

10 (E) an agreement;

11 (F) a pretended agreement; or

12 (G) other evidences of obligation;

13 entitling the holder to anything of value at some future date, if the gross payments received by
14 the company during the taxable year on outstanding investment contracts, plus interest and
15 dividends earned on those contracts (by prorating the interest and dividends earned on investment
16 contracts by the same proportion that certificate reserves (as defined by the Investment Company
17 Act of 1940) is to the company's total assets) is at least fifty percent (50%) of the company's gross
18 payments upon investment contracts plus gross income from all other sources except dividends
19 from subsidiaries for the taxable year. The term "investment contract" means an instrument listed
20 in clauses (A) through (G).

21 SECTION 75. IC 6-7-1-28.1, AS AMENDED BY P.L.3-2008, SECTION 66, IS AMENDED TO
22 READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 28.1. The taxes, registration fees, fines, or
23 penalties collected under this chapter shall be deposited in the following manner:

24 (1) Four and twenty-two hundredths percent (4.22%) of the money shall be deposited in a fund
25 to be known as the cigarette tax fund.

26 (2) Six-tenths percent (0.6%) of the money shall be deposited in a fund to be known as the mental
27 health centers fund.

28 (3) Fifty-three and sixty-eight hundredths percent (53.68%) of the money shall be deposited in
29 the state general fund.

30 (4) Five and forty-three hundredths percent (5.43%) of the money shall be deposited into the
31 pension relief fund established in IC 5-10.3-11.

32 (5) Twenty-seven and five hundredths percent (27.05%) of the money shall be deposited in the
33 Indiana check-up plan trust fund established by IC 12-15-44.2-17.

34 (6) Two and forty-six hundredths percent (2.46%) of the money shall be deposited in the state
35 general fund for the purpose of paying appropriations for Medicaid—Current Obligations, for
36 provider reimbursements.

37 ~~(7) Four and one-tenth Six and fifty-six hundredths percent (4.1%)~~ **(6.56%)** of the money shall
38 be deposited in the ~~state general fund for the purpose of paying any appropriation for a health~~
39 ~~initiative: state retiree health benefit trust fund established by IC 5-10-8-8.5.~~

40 ~~(8) Two and forty-six hundredths percent (2.46%) of the money shall be deposited in the state~~
41 ~~general fund for the purpose of reimbursing the state general fund for a tax credit provided under~~
42 ~~IC 6-3.1-31.~~

43 The money in the cigarette tax fund, the mental health centers fund, the Indiana check-up plan trust
44 fund, or the pension relief fund at the end of a fiscal year does not revert to the state general fund.
45 However, if in any fiscal year, the amount allocated to a fund under subdivision (1) or (2) is less than
46 the amount received in fiscal year 1977, then that fund shall be credited with the difference between
47 the amount allocated and the amount received in fiscal year 1977, and the allocation for the fiscal year
48 to the fund under subdivision (3) shall be reduced by the amount of that difference. Money deposited

under subdivisions (6) through ~~(8)~~ (7) may not be used for any purpose other than the purpose stated in the subdivision.

SECTION 76. IC 12-12-8-6, AS AMENDED BY P.L.141-2006, SECTION 52, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 6. (a) There is established a statewide independent living council. The council is not a part of a state agency.

(b) The council consists of at least twenty (20) members appointed by the governor, including the following:

(1) ~~Each~~ **At least one (1)** director of a center for independent living located in Indiana **chosen by the directors of the centers for independent living located in Indiana.**

(2) Nonvoting members from state agencies that provide services for individuals with disabilities.

(3) Other members, who may include the following:

(A) Representatives of centers for independent living.

(B) Parents and guardians of individuals with disabilities.

(C) Advocates for individuals with disabilities.

(D) Representatives from private business.

(E) Representatives of organizations that provide services for individuals with disabilities.

(F) Other appropriate individuals.

(c) The members appointed under subsection (b) must:

(1) provide statewide representation;

(2) represent a broad range of individuals with disabilities from diverse backgrounds;

(3) be knowledgeable about centers for independent living and independent living services; and

(4) include a majority of members who:

(A) are individuals with disabilities; and

(B) are not employed by a state agency or a center for independent living.

SECTION 77. IC 20-20-13-6, AS AMENDED BY SEA 27-2009, SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 6. (a) The Senator David C. Ford educational technology fund is established to extend educational technologies to elementary and secondary schools. The fund may be used for any of the following:

(1) The 4R's technology grant program to assist school corporations (on behalf of public schools) in purchasing technology equipment:

(A) for kindergarten and grade 1 students, to learn reading, writing, and arithmetic using technology;

(B) for students in all grades, to understand that technology is a tool for learning; and

(C) for students in kindergarten through grade 3 who have been identified as needing remediation, to offer daily remediation opportunities using technology to prevent those students from failing to make appropriate progress at the particular grade level.

(2) **A school technology program developed by the department. The program may include grants to school corporations for the purchase of:**

(A) **equipment, hardware, and software;**

(B) **learning and teaching systems; and**

(C) **other materials;**

that promote student learning, as determined by the department.

~~(2)~~ (3) Providing educational technologies, including computers in the homes of students.

~~(3)~~ (4) Conducting educational technology training for teachers. ~~and~~

~~(4)~~ (5) Other innovative educational technology programs.

(b) The department may also use money in the fund under contracts entered into with the office of technology established by IC 4-13.1-2-1 to study the feasibility of establishing an information telecommunications gateway that provides access to information on employment opportunities, career

development, and instructional services from data bases operated by the state among the following:

- (1) Elementary and secondary schools.
- (2) Postsecondary educational institutions.
- (3) Career and technical educational centers and institutions that are not postsecondary educational institutions.
- (4) Libraries.
- (5) Any other agencies offering education and training programs.

(c) The fund consists of:

- (1) state appropriations;
- (2) private donations to the fund;
- (3) money directed to the fund from the corporation for educational technology under IC 20-20-15; or
- (4) any combination of the amounts described in subdivisions (1) through (3).

(d) The fund shall be administered by the department.

(e) Unexpended money appropriated to or otherwise available in the fund at the end of a state fiscal year does not revert to the state general fund but remains available to the department for use under this chapter.

(f) Subject to section 7 of this chapter, a school corporation may use money from the school corporation's capital projects fund as permitted under IC 20-40-8 for educational technology equipment.

SECTION 78. IC 20-20-13-3, AS ADDED BY P.L.218-2005, SECTION 45, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 3. As used in sections 13 through 24 of this chapter, "school corporation" includes, except as otherwise provided in this chapter, the Indiana School for the Blind and Visually Impaired established by IC 20-21-2-1, ~~and the Indiana School for the Deaf established by IC 20-22-2-1, and a charter school established under IC 20-24.~~

SECTION 79. IC 20-20-36.2-4, AS ADDED BY HB 1198-2009, SECTION 120, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 4. ~~(a) Notwithstanding any other provision, a school corporation is eligible for a grant under this chapter in a particular year only if for that year the school corporation's total property tax revenue is expected to be reduced by more than two three and fifty-four hundredths percent (2%)~~ **(3.54%)** because of the application of credits in that year.

(b) Subject to subsection (a), an eligible school corporation is entitled to a grant in:

- (1) 2009 equal to the eligible school corporation's circuit breaker replacement amount for property taxes imposed for the March 1, 2008; and January 15, 2009; assessment dates; and
- (2) 2010 equal to the eligible school corporation's circuit breaker replacement amount for property taxes imposed for the March 1, 2009; and January 15, 2010; assessment dates.

SECTION 80. IC 20-20-36.2-5, AS ADDED BY HB 1198-2009, SECTION 120, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 5. ~~(a) An eligible school corporation's circuit breaker replacement amount for 2009 is equal to the result determined under STEP FOUR of the following formula:~~

STEP ONE: Determine the amount of credits granted against the eligible school corporation's combined levy for the eligible school corporation's debt service fund; capital projects fund; transportation fund; school bus replacement fund; and racial balance fund.

STEP TWO: Determine the sum of the STEP ONE amounts for all eligible school corporations in Indiana.

STEP THREE: Divide fifty million dollars (\$50,000,000) by the STEP TWO amount, rounding to the nearest ten thousandth (0.0001).

STEP FOUR: Multiply the STEP THREE result by the STEP ONE amount, rounding to the

1 nearest dollar (\$1):

2 ~~(b)~~ **An eligible school corporation is entitled to a grant under this chapter in a calendar year.**
3 **Subject to this chapter, the grant is equal to the eligible school corporation's circuit breaker**
4 **replacement amount, as determined for the calendar year.** An eligible school corporation's circuit
5 breaker replacement amount for ~~2010~~ **a calendar year** is equal to the result determined under STEP
6 ~~FOUR~~ **THREE** of the following formula:

7 STEP ONE: Determine the amount of credits granted against the eligible school corporation's
8 combined levy, ~~for the school corporation's debt service fund; capital projects fund; transportation~~
9 ~~fund; school bus replacement fund; and racial balance fund;~~ **rounded to the nearest dollar (\$1).**

10 STEP TWO: Determine the sum of the STEP ONE amounts for all eligible school corporations
11 in Indiana.

12 STEP THREE: Divide seventy million dollars (\$70,000,000) by the STEP TWO amount;
13 rounding to the nearest ten thousandth (0.0001):

14 STEP FOUR: Multiply the STEP THREE result by the STEP ONE amount, rounding to the
15 nearest dollar (\$1): **an amount equal to three and fifty-four hundredths percent (3.54%) of**
16 **the school corporation's total combined property tax levy for 2010, rounded to the nearest**
17 **dollar (\$1).**

18 **STEP THREE: Determine the greater of:**

19 **(A) zero (0); or**

20 **(B) the STEP ONE amount minus the STEP TWO amount.**

21 **SECTION 81. IC 20-20-36.2-11 IS ADDED TO THE INDIANA CODE AS A NEW SECTION**
22 **TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2009 (RETROACTIVE)]: Sec. 11. Grants**
23 **may be made only from Indiana's apportionment of grants to the states from the state fiscal**
24 **stabilization fund established by Division A, Title XIV of the federal American Recovery and**
25 **Reinvestment Act of 2009. The total of all grants distributed in a year to all school corporations**
26 **may not exceed the lesser of:**

27 **(1) in:**

28 **(A) 2009, twenty-three million nine hundred thirty thousand dollars (\$23,930,000);**

29 **(B) 2010, sixty-seven million five hundred thirty thousand dollars (\$67,530,000); and**

30 **(C) 2011, seventy-seven million two hundred ninety thousand dollars (\$77,290,000); or**

31 **(2) the amount available to the state from Indiana's apportionment of grants to the states**
32 **from the state fiscal stabilization fund under Section 14001(d) of Division A, Title XIV of**
33 **the federal American Recovery and Reinvestment Act of 2009, after subtracting any**
34 **reduction required under IC 20-43-12-7.**

35 **SECTION 82. IC 20-20-36.2-12 IS ADDED TO THE INDIANA CODE AS A NEW SECTION**
36 **TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2009 (RETROACTIVE)]: Sec. 12. If the**
37 **total amount to be distributed as grants for a particular year exceeds the amount specified in**
38 **section 11 of this chapter for a year, the amount to be distributed for grants to each school**
39 **corporation during each of the last six (6) months of the year shall be proportionately reduced**
40 **so that the total reductions equal the amount of the excess.**

41 **SECTION 83. IC 20-20-36.2-13 IS ADDED TO THE INDIANA CODE AS A NEW SECTION**
42 **TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2009 (RETROACTIVE)]: Sec. 13. The**
43 **amount of the reduction for a particular school corporation under section 12 of this chapter is**
44 **equal to the total amount of the excess determined under section 12 of this chapter multiplied**
45 **by a fraction. The numerator of the fraction is the amount of the distribution for state fiscal**
46 **stabilization fund grants that the school corporation would have received if a reduction were not**
47 **made under section 12 of this chapter and this section. The denominator of the fraction is the**
48 **total amount that would be distributed for state fiscal stabilization fund grants to all school**

corporations if a reduction were not made under section 12 of this chapter and this section.

SECTION 84. IC 20-20-36.2-14 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2009 (RETROACTIVE)]: **Sec. 14. (a) This section applies retroactively to January 1, 2009, until the expiration of this section.**

(b) Notwithstanding the effective date of HEA 1198-2009, IC 20-20-36.2, as amended by HEA 1001-2009, applies to the distribution of levy replacement grants after December 31, 2008, and before the passage of HEA 1001-2009. IC 20-20-36, as added by P.L.146-2008, SECTION 456, does not apply to a distribution described in this section.

(c) This section expires January 1, 2010.

SECTION 85. IC 20-20-36.2-15 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: **Sec. 15. This chapter expires January 1, 2012.**

SECTION 86. IC 20-24-7-11, AS ADDED BY P.L.246-2005, SECTION 129, IS CORRECTED AND IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: **Sec. 11. (a) If the United States Department of Education approves a new competition for states to receive matching funds for charter school facilities, the department shall pursue this federal funding.**

(b) There is appropriated to the department of education ten million dollars (\$10,000,000) from the common school fund interest balance in the state general fund to provide state matching funds for the federal funding described in subsection (a) for the benefit of charter schools, beginning July 1, 2005, and ending June 30, 2007.

(b) The department shall use the common school fund interest balance to provide state matching funds for the federal funding described in subsection (a) for the benefit of charter schools.

(c) The department shall develop guidelines and the state board shall adopt rules under IC 4-22-2 necessary to implement this section.

(c) To increase the state's opportunity to receive matching funds from the United States Department of Education, the department shall develop a facilities incentive grants program before January 1, 2010.

(d) The department shall use the priority criteria set forth in 21 U.S.C. 7221d(b) and 34 CFR 226.12 through 34 CFR 226.14 to develop the facilities incentive grants program.

SECTION 87. IC 20-24-7-13 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: **Sec. 13. (a) As used in this SECTION, "virtual charter school" means any charter school, including a conversion charter school, that provides for the delivery of more than fifty percent (50%) of instruction to students through:**

(1) virtual distance learning;

(2) online technologies; or

(3) computer based instruction.

(b) A virtual charter school is not entitled to any funding from the state until the following requirements are met:

(1) The proposed establishment of the virtual charter school has been reviewed by the state budget committee.

(2) After the review under subdivision (1) occurs, the department approves the establishment of the virtual charter school.

(c) If the requirements of subsection (b) are satisfied for a virtual charter school, the virtual charter school is entitled to receive funding from the state in an amount equal to the product of:

(1) the virtual charter school's ADM; multiplied by

(2) eighty percent (80%) of the statewide average basic tuition support.

SECTION 88. IC 20-30-6-1, AS ADDED BY P.L.1-2005, SECTION 14, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: **Sec. 1. (a) As used in this section, "qualified**

1 **provider" means any of the following:**

2 **(1) A school corporation.**

3 **(2) An eligible provider (as defined in 20 U.S.C. 9202).**

4 ~~(a)~~ **(b)** The state board and the state superintendent may prescribe a program of adult education
5 **under this section and the federal Adult Education and Family Literacy Act (20 U.S.C. 9201 et**
6 **seq.).** The state board shall adopt rules under IC 4-22-2 to provide for this program and to provide for
7 the state distribution formula for money appropriated by the general assembly for adult education.
8 Money appropriated by the general assembly for adult education may be used only to reimburse a
9 ~~school corporation~~ **qualified provider** for adult education that is provided to individuals who:

10 (1) need the education to master a skill that leads to:

11 (A) the completion of grade 8; or

12 (B) a state of Indiana general educational development (GED) diploma under IC 20-20-6;

13 (2) need the education to receive high school credit to obtain a high school diploma; or

14 (3) have graduated from high school (or received a high school equivalency certificate or a state
15 of Indiana general educational development (GED) diploma) but who demonstrate basic skill
16 deficiencies in mathematics or English/language arts.

17 For purposes of reimbursement under this section, ~~the school corporation~~ **a qualified provider** may
18 not count an individual who is also enrolled in ~~the school corporation's~~ **a** kindergarten through grade
19 12 educational program. An individual described in subdivision (3) may be counted for reimbursement
20 by ~~the school corporation~~ **a qualified provider** only for classes taken in mathematics and
21 English/language arts.

22 ~~(b)~~ **(c)** The state board shall provide for reimbursement to a ~~school corporation~~ **qualified provider**
23 under this section for instructor salaries and administrative and support costs. However, the state board
24 may not allocate more than fifteen percent (15%) of the total appropriation under subsection ~~(a)~~ **(b)**
25 for administrative and support costs.

26 ~~(c)~~ **(d)** A ~~school corporation~~ **qualified provider** may conduct a program of adult education.

27 ~~(d)~~ **(e)** A school corporation may require an individual who:

28 (1) is at least sixteen (16) years of age; and

29 (2) wishes to enroll in a school following the student's expulsion from school under IC 20-33-8
30 on the grounds that the student was:

31 (A) disorderly; or

32 (B) dangerous to persons or property;

33 to attend evening classes or classes established for students who are at least sixteen (16) years of age.
34 However, the school corporation shall provide a child with a disability (as defined in IC 20-35-1-2)
35 who is at least eighteen (18) years of age and whom the school corporation elects to educate with an
36 appropriate special educational program.

37 SECTION 89. IC 20-33-8.5-5, AS AMENDED BY P.L.234-2007, SECTION 228, IS AMENDED
38 TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2009 (RETROACTIVE)]: Sec. 5. The
39 agreement must provide how the expenses of supervising a student who has been suspended or
40 expelled are funded. A school corporation may not be required to expend **an amount in a particular**
41 **year that is more than the result of:**

42 **(1) the transition to foundation revenue per adjusted school corporation's basic tuition support**
43 **(as defined in IC 20-43-1-8) for the year; divided by**

44 **(2) the school corporation's current ADM (as defined in ~~IC 20-43-1-29.3~~) IC 20-43-1-10) for**
45 **the year;**

46 for each student referred under the agreement.

47 SECTION 90. IC 20-43-1-1, AS AMENDED BY P.L.234-2007, SECTION 232, IS AMENDED
48 TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2009 (RETROACTIVE)]: Sec. 1. This article

1 expires January 1, ~~2010~~ **2012**.

2 SECTION 91. IC 20-43-1-8, AS ADDED BY P.L.2-2006, SECTION 166, IS AMENDED TO
3 READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2009 (RETROACTIVE)]: Sec. 8. "Basic tuition
4 support" means the part of a school corporation's state tuition support for basic programs determined
5 under ~~IC 20-43-6-5~~. **IC 20-43-6-3**.

6 SECTION 92. IC 20-43-1-24.5 IS ADDED TO THE INDIANA CODE AS A **NEW SECTION** TO
7 READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2009 (RETROACTIVE)]: **Sec. 24.5. "Fiscal**
8 **stabilization fund grant" refers to a grant under IC 20-43-12.**

9 SECTION 93. IC 20-43-1-31 IS ADDED TO THE INDIANA CODE AS A **NEW SECTION** TO
10 READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2009 (RETROACTIVE)]: **Sec. 31. For purposes**
11 **of the calculation of state tuition support under this article and for purposes of federal**
12 **stabilization grants, a school corporation's fiscal year is the calendar year.**

13 SECTION 94. IC 20-43-2-2, AS AMENDED BY P.L.146-2008, SECTION 482, IS AMENDED
14 TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2009 (RETROACTIVE)]: Sec. 2. The
15 maximum state distribution (**excluding federal funds under the American Recovery and**
16 **Reinvestment Act of 2009**) for a calendar year for all school corporations for the purposes described
17 in section 3 of this chapter is:

18 ~~(1) three billion eight hundred twelve million five hundred thousand dollars (\$3,812,500,000) in~~
19 ~~2007;~~

20 ~~(2) three billion nine hundred sixty million nine hundred thousand dollars (\$3,960,900,000) in~~
21 ~~2008; and~~

22 ~~(3) (1) six billion five hundred nine million three hundred thousand dollars~~
23 ~~(\$6,509,000,000) (\$6,332,200,000) in 2009;~~

24 ~~(2) six billion four hundred thirty-one million one hundred thousand dollars~~
25 ~~(\$6,431,100,000) in 2010; and~~

26 ~~(3) six billion five hundred sixty-four million two hundred thousand dollars~~
27 ~~(\$6,564,200,000) in 2011.~~

28 SECTION 95. IC 20-43-3-4, AS AMENDED BY P.L.146-2008, SECTION 485, IS AMENDED
29 TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2009 (RETROACTIVE)]: Sec. 4. (a) **This**
30 **subsection applies to calendar year 2009.** A school corporation's previous year revenue equals the
31 amount determined under STEP TWO of the following formula:

32 STEP ONE: Determine the sum of the following:

33 (A) The school corporation's basic tuition support for the year that precedes the current year.

34 (B) The school corporation's maximum permissible tuition support levy for calendar year
35 2008.

36 (C) The school corporation's excise tax revenue for calendar year 2007.

37 STEP TWO: Subtract from the STEP ONE result an amount equal to the reduction in the school
38 corporation's state tuition support under any combination of subsection ~~(b)~~, (c), subsection ~~(c)~~,
39 (d), IC 20-10.1-2-1 (before its repeal), or IC 20-30-2-4.

40 **(b) This subsection applies to calendar years 2010 and 2011. A school corporation's previous**
41 **year revenue equals the amount determined under STEP TWO of the following formula:**

42 STEP ONE: Determine the sum of the following:

43 (A) The school corporation's basic tuition support for the year that precedes the current
44 year.

45 (B) The distribution to the school corporation under IC 20-43-11.5 in the year that
46 precedes the current year to cover the costs of opening a new school facility during the
47 year that precedes the current year by two (2).

48 (C) The amount of the annual decrease in federal aid to impacted areas from the year

preceding the ensuing calendar year by three (3) years to the year preceding the ensuing calendar year by two (2) years.

STEP TWO: Subtract from the STEP ONE result an amount equal to the reduction in the school corporation's state tuition support under any combination of subsection (c) or IC 20-30-2-4.

~~(b)~~ (c) A school corporation's previous year revenue must be reduced if:

(1) the school corporation's state tuition support for special education or career and technical education is reduced as a result of a complaint being filed with the department after December 31, 1988, because the school program overstated the number of children enrolled in special education programs or career and technical education programs; and

(2) the school corporation's previous year revenue has not been reduced under this subsection more than one (1) time because of a given overstatement.

The amount of the reduction equals the amount the school corporation would have received in state tuition support for special education and career and technical education because of the overstatement.

~~(c)~~ (d) This section applies only to 2009. A school corporation's previous year revenue must be reduced if an existing elementary or secondary school located in the school corporation converts to a charter school under IC 20-24-11. The amount of the reduction equals the product of:

(1) the sum of the amounts distributed to the conversion charter school under IC 20-24-7-3(c) and IC 20-24-7-3(d) (as effective December 31, 2008); multiplied by

(2) two (2).

SECTION 96. IC 20-43-5-3, AS AMENDED BY P.L.3-2008, SECTION 125, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2009 (RETROACTIVE)]: Sec. 3. A school corporation's complexity index is determined under the following formula:

STEP ONE: Determine the greater of zero (0) or the result of the following:

(1) Determine the percentage of the school corporation's students who were eligible for free or reduced price lunches in the school year ending in the later of ~~2007~~ **2009** or the first year of operation of the school corporation.

(2) Determine the quotient of:

~~(A) in 2008:~~

~~(i) two thousand two hundred fifty dollars (\$2,250); divided by~~

~~(ii) four thousand seven hundred ninety dollars (\$4,790); and~~

~~(B) in 2009:~~

~~(i) (A) two thousand four hundred dollars (\$2,400); divided by~~

~~(ii) (B) four thousand eight hundred twenty-five dollars (\$4,825).~~

(3) Determine the product of:

(A) the subdivision (1) amount; multiplied by

(B) the subdivision (2) amount.

STEP TWO: Determine the result of one (1) plus the STEP ONE result.

STEP THREE: This STEP applies if the STEP TWO result is equal to or greater than at least one and twenty-five hundredths (1.25). Determine the result of the following:

(1) Subtract one and twenty-five hundredths (1.25) from the STEP TWO result.

(2) Determine the result of:

(A) the STEP TWO result; plus

(B) the subdivision (1) result.

The data to be used in making the calculations under STEP ONE must be the data collected in the annual pupil enrollment count by the department.

SECTION 97. IC 20-43-5-4, AS AMENDED BY P.L.234-2007, SECTION 244, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2009 (RETROACTIVE)]: Sec. 4. A school

corporation's foundation amount for a calendar year is the result determined under STEP TWO of the following formula:

STEP ONE: ~~Determine~~

(A) in 2008; ~~four thousand seven hundred ninety dollars (\$4,790); or~~

~~(B) in 2009; The STEP ONE amount is four thousand eight hundred twenty-five dollars (\$4,825).~~

STEP TWO: Multiply the STEP ONE amount by the school corporation's complexity index.

SECTION 98. IC 20-43-5-5, AS ADDED BY P.L.2-2006, SECTION 166, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2009 (RETROACTIVE)]: Sec. 5. A school corporation's previous year revenue foundation amount for a calendar year is equal to the **result of:**

(1) the school corporation's previous year revenue; divided by

(2) the school corporation's ~~adjusted~~ ADM for the previous year.

SECTION 99. IC 20-43-5-6, AS AMENDED BY P.L.234-2007, SECTION 245, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2009 (RETROACTIVE)]: Sec. 6. **(a) This subsection applies to a charter school that has previous year revenue that is not greater than zero (0). A charter school's transition to foundation amount for a year is equal to the foundation amount for the year.**

(b) This subsection applies to a school corporation that is not described in subsection (a). A school corporation's transition to foundation amount for a calendar year is equal to the result determined under STEP THREE of the following formula:

STEP ONE: Determine the difference of:

(A) the school corporation's foundation amount; minus

(B) the school corporation's previous year revenue foundation amount.

STEP TWO: Divide the STEP ONE result by:

~~(A) four (4) in 2008; or~~

~~(B) (A) three (3) in 2009:~~

~~(i) two (2), if the STEP ONE amount for the school corporation is less than zero (0); and~~

~~(ii) three (3), if the STEP ONE amount for the school corporation is at least zero (0);~~

~~(B) in 2010:~~

~~(i) one (1), if the STEP ONE amount for the school corporation is less than zero (0); and~~

~~(ii) two (2), if the STEP ONE amount for the school corporation is at least zero (0); and~~

~~(C) one (1) in 2011.~~

STEP THREE: A school corporation's STEP THREE amount is the following:

(A) For a charter school located outside Marion County that has previous year revenue that is not greater than zero (0); the charter school's STEP THREE amount is the quotient of:

(i) the school corporation's transition to foundation revenue for the calendar year where the charter school is located; divided by

(ii) the school corporation's current ADM;

(B) For a charter school located in Marion County that has previous year revenue that is not greater than zero (0); the charter school's STEP THREE amount is the weighted average of the transition to foundation revenue for the school corporations where the students counted in the current ADM of the charter school have legal settlement; as determined under item (iv) of the following formula:

(i) Determine the transition to foundation revenue for each school corporation where a student counted in the current ADM of the charter school has legal settlement.

(ii) For each school corporation identified in item (i); divide the item (i) amount by the

- 1 school corporation's current ADM.
- 2 (iii) For each school corporation identified in item (i); multiply the item (ii) amount by the
- 3 number of students counted in the current ADM of the charter school that have legal
- 4 settlement in the particular school corporation.
- 5 (iv) Determine the sum of the item (iii) amounts for the charter school.
- 6 (C) The STEP THREE amount for a school corporation that is not a charter school described
- 7 in clause (A) or (B) is the following:
- 8 (i) The school corporation's foundation amount for the calendar year if the STEP ONE
- 9 amount is at least negative fifty dollars (-\$50) and not more than one hundred dollars
- 10 (\$100).
- 11 (ii) For 2009, the school corporation's foundation amount for the calendar year, if the
- 12 foundation amount in 2008 equaled the school corporation's transition to foundation revenue
- 13 per adjusted ADM in 2008.
- 14 (iii) The sum of the school corporation's previous year revenue foundation amount and the
- 15 greater of the school corporation's STEP TWO amount or one hundred dollars (\$100), if the
- 16 school corporation's STEP ONE amount is greater than one hundred dollars (\$100).
- 17 (iv) The difference determined by subtracting fifty dollars (\$50) from the school
- 18 corporation's previous year revenue foundation amount, if the school corporation's STEP
- 19 ONE amount is less than negative fifty dollars (-\$50). **Determine the sum of the school**
- 20 **corporation's previous year revenue foundation amount and the school corporation's**
- 21 **STEP TWO amount.**

22 SECTION 100. IC 20-43-6-1, AS ADDED BY P.L.2-2006, SECTION 166, IS AMENDED TO

23 READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2009 (RETROACTIVE)]: Sec. 1. Subject to the

24 amount appropriated by the general assembly for state tuition support and IC 20-43-2, the amount that

25 a school corporation is entitled to receive in basic tuition support for a year is the amount determined

26 in section 5 3 of this chapter.

27 SECTION 101. IC 20-43-6-3, AS AMENDED BY P.L.146-2008, SECTION 488, IS AMENDED

28 TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2009 (RETROACTIVE)]: Sec. 3. (a) A school

29 corporation's ~~total regular program basic~~ tuition support for a ~~calendar~~ year is the amount determined

30 under the applicable provision of this section.

31 (b) This subsection applies to a school corporation that has transition to foundation ~~revenue per~~

32 ~~adjusted ADM amount~~ for a ~~calendar~~ year that is not equal to the ~~school corporation's~~ foundation

33 amount for the ~~calendar~~ year. The school corporation's ~~total regular program basic~~ tuition support for

34 a ~~calendar~~ year is equal to the school corporation's transition to foundation ~~revenue amount~~ for the

35 ~~calendar~~ year **multiplied by the school corporation's current ADM.**

36 (c) This subsection applies to a school corporation that has transition to foundation ~~revenue per~~

37 ~~adjusted ADM amount~~ for a ~~calendar~~ year that is equal to the ~~school corporation's~~ foundation amount

38 for the ~~calendar~~ year. The school corporation's ~~total regular program basic~~ tuition support for a

39 ~~calendar~~ year is the sum of the following:

- 40 (1) The ~~school corporation's~~ foundation amount for the ~~calendar~~ year multiplied by the school
- 41 corporation's ~~adjusted current~~ ADM. ~~for the current year.~~
- 42 (2) The amount of the annual decrease in federal aid to impacted areas from the year preceding
- 43 the ensuing calendar year by three (3) years to the year preceding the ensuing calendar year by
- 44 two (2) years.
- 45 (3) **The distribution to the school corporation under IC 20-43-11.5 in the current year to**
- 46 **cover the costs of opening a new school facility during the year that immediately precedes**
- 47 **the current year.**

48 SECTION 102. IC 20-43-7-6, AS AMENDED BY P.L.234-2007, SECTION 252, IS AMENDED

1 TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2009 (RETROACTIVE)]: Sec. 6. A school
2 corporation's special education grant for a calendar year is equal to the sum of the following:

- 3 (1) The nonduplicated count of pupils in programs for severe disabilities multiplied by
4 (A) in 2008; ~~eight thousand three hundred dollars (\$8,300); and~~
5 (B) in 2009; eight thousand three hundred fifty dollars (\$8,350).
- 6 (2) The nonduplicated count of pupils in programs of mild and moderate disabilities multiplied
7 by
8 (A) in 2008; ~~two thousand two hundred fifty dollars (\$2,250); and~~
9 (B) in 2009; two thousand two hundred sixty-five dollars (\$2,265).
- 10 (3) The duplicated count of pupils in programs for communication disorders multiplied by
11 (A) in 2008; ~~five hundred thirty-one dollars (\$531); and~~
12 (B) in 2009; five hundred thirty-three dollars (\$533).
- 13 (4) The cumulative count of pupils in homebound programs multiplied by
14 (A) in 2008; ~~five hundred thirty-one dollars (\$531); and~~
15 (B) in 2009; five hundred thirty-three dollars (\$533).
- 16 **(5) The nonduplicated count of pupils in special preschool education programs multiplied**
17 **by two thousand seven hundred fifty dollars (\$2,750).**

18 SECTION 103. IC 20-43-9-4, AS AMENDED BY P.L.234-2007, SECTION 253, IS AMENDED
19 TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2009 (RETROACTIVE)]: Sec. 4. For
20 purposes of computation under this chapter, the following shall be used:

- 21 (1) The staff cost amount for a school corporation
22 (A) in 2008; is ~~seventy-two thousand dollars (\$72,000); and~~
23 (B) in 2009; is seventy-four thousand five hundred dollars (\$74,500).
- 24 (2) The guaranteed primetime amount for a school corporation is the primetime allocation, before
25 any penalty is assessed under this chapter, that the school corporation would have received under
26 this chapter for the 1999 calendar year or the first year of participation in the program, whichever
27 is later.
- 28 (3) The following apply to determine whether amounts received under this chapter have been
29 devoted to reducing class size in kindergarten through grade 3 as required by section 2 of this
30 chapter:
 - 31 (A) Except as permitted under section 8 of this chapter, only a licensed teacher who is an
32 actual classroom teacher in a regular instructional program is counted as a teacher.
 - 33 (B) If a school corporation is granted approval under section 8 of this chapter, the school
34 corporation may include as one-third (1/3) of a teacher each classroom instructional aide who
35 meets qualifications and performs duties prescribed by the state board.

36 SECTION 104. IC 20-43-9-6, AS AMENDED BY P.L.234-2007, SECTION 254, IS AMENDED
37 TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2009 (RETROACTIVE)]: Sec. 6. A school
38 corporation's primetime distribution for a calendar year under this chapter is the amount determined
39 by the following formula:

- 40 STEP ONE: Determine the applicable target pupil/teacher ratio for the school corporation as
41 follows:
- 42 (A) If the school corporation's complexity index is less than one and one-tenth (1.1), the
43 school corporation's target pupil/teacher ratio is eighteen to one (18:1).
 - 44 (B) If the school corporation's complexity index is at least one and one-tenth (1.1) but less
45 than one and two-tenths (1.2), the school corporation's target pupil/teacher ratio is fifteen (15)
46 plus the result determined in item (iii) to one (1):
 - 47 (i) Determine the result of one and two-tenths (1.2) minus the school corporation's
48 complexity index.

1 (ii) Determine the item (i) result divided by one-tenth (0.1).
 2 (iii) Determine the item (ii) result multiplied by three (3).
 3 (C) If the school corporation's complexity index is at least one and two-tenths (1.2), the school
 4 corporation's target pupil/teacher ratio is fifteen to one (15:1).
 5 STEP TWO: Determine the result of:
 6 (A) the ADM of the school corporation in kindergarten through grade 3 for the current school
 7 year; divided by
 8 (B) the school corporation's applicable target pupil/teacher ratio, as determined in STEP ONE.
 9 STEP THREE: Determine the result of:
 10 (A) the ~~total regular program~~ **basic** tuition support for the year multiplied by seventy-five
 11 hundredths (0.75); divided by
 12 (B) the school corporation's total ADM.
 13 STEP FOUR: Determine the result of:
 14 (A) the STEP THREE result; multiplied by
 15 (B) the ADM of the school corporation in kindergarten through grade 3 for the current school
 16 year.
 17 STEP FIVE: Determine the result of:
 18 (A) the STEP FOUR result; divided by
 19 (B) the staff cost amount.
 20 STEP SIX: Determine the greater of zero (0) or the result of:
 21 (A) the STEP TWO amount; minus
 22 (B) the STEP FIVE amount.
 23 STEP SEVEN: Determine the result of:
 24 (A) the STEP SIX amount; multiplied by
 25 (B) the staff cost amount.
 26 STEP EIGHT: Determine the greater of the STEP SEVEN amount or the school corporation's
 27 guaranteed primetime amount.
 28 STEP NINE: A school corporation's amount under this STEP is the following:
 29 (A) If the amount the school corporation received under this chapter in the previous calendar
 30 year is greater than zero (0), the amount under this STEP is the lesser of:
 31 (i) the STEP EIGHT amount; or
 32 (ii) the amount the school corporation received under this chapter for the previous calendar
 33 year multiplied by one hundred seven and one-half percent (107.5%).
 34 (B) If the amount the school corporation received under this chapter in the previous calendar
 35 year is not greater than zero (0), the amount under this STEP is the STEP EIGHT amount.
 36 SECTION 105. IC 20-43-11.5-1, AS ADDED BY P.L.146-2008, SECTION 490, IS AMENDED
 37 TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 1. (a) A school corporation may appeal
 38 to the department of ~~local government finance~~ **under IC 6-1.1-19** for a new facility adjustment to
 39 increase the school corporation's tuition support distribution for the following year. ~~by the amount~~
 40 ~~described in section 2 of this chapter.~~
 41 (b) Upon the demonstration by the school corporation to the department of ~~local government~~
 42 ~~finance~~ that an adjustment is necessary to pay increased costs to open:
 43 (1) a new school facility; or
 44 (2) an existing facility that has not been used for at least three (3) years and that is being reopened
 45 to provide additional classroom space;
 46 the department of ~~local government finance~~ may grant the appeal. If the department of ~~local~~
 47 ~~government finance~~ grants an appeal, it shall determine the amount of the new facility adjustment to
 48 be distributed to the school corporation under this chapter. In determining the amount of a new facility

adjustment, the department of local government finance shall consider the extent to which a part of tuition support distributions offsets any increased costs described in subdivision (1) or (2).

SECTION 106. IC 20-43-11.5-2, AS ADDED BY P.L.146-2008, SECTION 490, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 2. (a) If a school corporation's appeal under this chapter is granted, the department shall, subject to amounts appropriated, distribute to the school corporation the amount of the new facility adjustment approved by the department. ~~of local government finance.~~

(b) A new facility adjustment is in addition to the amount of the state tuition support distribution to which the school corporation is **otherwise** entitled under this article.

SECTION 107. IC 20-43-12 IS ADDED TO THE INDIANA CODE AS A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2009 (RETROACTIVE)]:

Chapter 12. Fiscal Stabilization Fund Grant

Sec. 1. A school corporation is entitled to a fiscal stabilization fund grant.

Sec. 2. Subject to section 4 of this chapter, the amount of the fiscal stabilization fund grant to which a school corporation is entitled in a year is equal to the result determined under STEP SIX of the following formula:

STEP ONE: Determine the school corporation's basic tuition support for the current year.

STEP TWO: Determine the amount of the basic tuition support to which the school corporation would have been entitled for the 2009 year if:

(A) the school corporation's basic tuition support had been computed using the formula for computing basic tuition support for 2009 as that formula existed after the amendments made by P.L.146-2008; and

(B) the changes made to this article in the 2009 session of the general assembly were not applied.

STEP THREE: For 2010 and 2011, determine the sum of:

(A) the STEP TWO amount divided by the school corporation's 2009 ADM; plus

(B) two hundred seventy-five dollars (\$275) for 2010 and four hundred twenty-five dollars (\$425) for 2011.

STEP FOUR: Determine the result of:

(A) the school corporation's STEP THREE amount; multiplied by

(B) the school corporation's ADM for the current year.

STEP FIVE: For 2009, determine the STEP TWO amount, and for 2010 and 2011 determine the lesser of:

(A) the STEP FOUR amount; or

(B) the STEP TWO amount.

STEP SIX: Determine the greater of zero (0) or the result of:

(A) the STEP FIVE amount; minus

(B) the STEP ONE amount.

Sec. 3. Fiscal stabilization fund grants may be made only from Indiana's allocation of grants to the states from the state fiscal stabilization fund under Section 14001(d) of Division A, Title XIV of the federal American Recovery and Reinvestment Act of 2009. The total of all grants distributed in a year to all school corporations may not exceed the lesser of the following:

(1) in:

(A) 2009, one hundred fifty-five million dollars (\$155,000,000);

(B) 2010, one hundred seventy-eight million one hundred thousand dollars (\$178,100,000); and

(C) 2011, one hundred eighty-three million seven hundred thousand dollars (\$183,700,000); or

(2) the amount available to the state from Indiana's apportionment of grants to the states from the state fiscal stabilization fund under Section 14001(d) of Division A, Title XIV of the federal American Recovery and Reinvestment Act of 2009, after subtracting any reduction required under section 7 of this chapter.

Sec. 4. If the total amount to be distributed as fiscal stabilization fund grants for a particular year exceeds in a year the amount specified in section 3 of this chapter for the year, the amount to be distributed for fiscal stabilization fund grants to each school corporation during each of the last six (6) months of the year shall be proportionately reduced so that the total reductions equal the amount of the excess.

Sec. 5. The amount of a reduction for a particular school corporation under section 4 of this chapter is equal to the total amount of the excess determined under section 4 of this chapter multiplied by a fraction. The numerator of the fraction is the amount of the distribution for fiscal stabilization fund grants that the school corporation would have received if reduction were not required under section 4 of this chapter. The denominator of the fraction is the total amount that would be distributed for fiscal stabilization fund grants to all school corporations if reductions were not required under section 4 of this chapter.

Sec. 6. A reduction in distributions under section 4 of this chapter shall be made before making any additional reductions required under IC 20-43-2-3 and IC 20-43-2-4.

Sec. 7. (a) If the total amount to be distributed under:

- (1) section 3 of this chapter for fiscal stabilization fund grants;
- (2) IC 20-20-36.2-11 for circuit breaker replacement grants; and
- (3) any appropriations to state educational institutions that are payable from the amount available from Indiana's apportionment of grants to the states from the state fiscal stabilization fund established by Division A, Title XIV of the federal American Recovery and Reinvestment Act of 2009;

exceeds the total amount available from Indiana's apportionment of grants to the states from the state fiscal stabilization fund under Section 14001(d) of Division A, Title XIV of the federal American Recovery and Reinvestment Act of 2009, as determined by the budget agency with the approval of the governor, the total amount to be distributed for fiscal stabilization fund grants shall be reduced to the extent required under subsection (b).

(b) If a shortfall exists in the amount needed to fund all distributions described in subsection (a), the budget agency, with the approval of the governor, shall reduce the total of all distributions described in subsection (a) by the amount necessary to eliminate the excess. The reductions shall be allocated by the budget agency with the approval of the governor among the three (3) categories of distributions described in subsection (a)(1), (a)(2), and (a)(3) as follows:

(1) The distributions shall be reduced in a manner that complies with Section 14002(a)(2)(B) of Division A, Title XIV of the federal American Recovery and Reinvestment Act of 2009.

(2) To the extent permitted under subdivision (1), the:

(A) distributions to state educational institutions shall be proportionally reduced first by the amount necessary to eliminate the shortfall before reducing any distribution described in subsection (a)(1) or (a)(2); and

(B) if any shortfall remains after complying with clause (A), distributions described in subsection (a)(2) shall be reduced as necessary to eliminate the shortfall before reducing any distribution described in subsection (a)(1).

SECTION 108. IC 20-49-1-3, AS AMENDED BY P.L.234-2007, SECTION 265, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2009 (RETROACTIVE)]: Sec. 3. "Transition to foundation revenue "Basic tuition support per adjusted ADM" has the meaning set forth in

1 ~~IC 20-43-1-29.3.~~ means the result of:

2 (1) a school corporation's basic tuition support (as defined in IC 20-43-1-8) for a year;
3 divided by

4 (2) the school corporation's current ADM for the year.

5 SECTION 109. IC 20-49-7-10, AS AMENDED BY P.L.234-2007, SECTION 266, IS AMENDED
6 TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2009 (RETROACTIVE)]: Sec. 10. The
7 amount of an advance for operational costs may not exceed the amount determined under STEP
8 THREE of the following formula:

9 STEP ONE: Determine the product of:

10 (A) the charter school's enrollment reported under IC 20-24-7-2(a); multiplied by

11 (B) the charter school's ~~transition to foundation revenue~~ **basic tuition support** per adjusted
12 ADM.

13 STEP TWO: Determine the quotient of:

14 (A) the STEP ONE amount; divided by

15 (B) two (2).

16 STEP THREE: Determine the product of:

17 (A) the STEP TWO amount; multiplied by

18 (B) one and fifteen-hundredths (1.15).

19 SECTION 110. IC 20-49-7-11, AS AMENDED BY P.L.234-2007, SECTION 267, IS AMENDED
20 TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2009 (RETROACTIVE)]: Sec. 11. The
21 amount of an advance for operational costs may not exceed the amount determined under STEP ~~FOUR~~
22 **THREE** of the following formula:

23 STEP ONE: Determine the quotient of:

24 (A) the charter school's ~~transition to foundation revenue~~ **basic tuition support** per adjusted
25 ADM; divided by

26 (B) two (2).

27 STEP TWO: Determine the difference between:

28 (A) the charter school's current ADM; minus

29 (B) the charter school's ADM of the previous year.

30 STEP THREE: Determine the product of:

31 (A) the STEP ONE amount; multiplied by

32 (B) the STEP TWO amount.

33 ~~STEP FOUR: Determine the product of:~~

34 ~~(A) the STEP THREE amount; multiplied by~~

35 ~~(B) one and fifteen-hundredths (1.15):~~

36 SECTION 111. IC 20-49-7-21 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO
37 READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 21. (a) A charter school, including a
38 conversion charter school, that has received an advance for operational costs from the common
39 school fund under this chapter does not have to make principal or interest payments during the
40 state fiscal year beginning:

41 (1) July 1, 2009; and

42 (2) July 1, 2010;

43 notwithstanding contrary terms in the charter school and state board advance agreement.

44 (b) The repayment term of the advance shall be extended by two (2) years to provide for the
45 waiver even though it may make the repayment term for the advance longer than twenty (20)
46 years.

47 SECTION 112. IC 20-51 IS ADDED TO THE INDIANA CODE AS A NEW ARTICLE TO READ
48 AS FOLLOWS [EFFECTIVE UPON PASSAGE]:

1 **ARTICLE 51. SCHOOL SCHOLARSHIPS**

2 **Chapter 1. Definitions**

3 **Sec. 1. The definitions in this chapter apply throughout this article.**

4 **Sec. 2. "Agreement" refers to an agreement between the department of state revenue and an**
5 **applicant that applies for certification of a school scholarship program.**

6 **Sec. 3. "Contribution" refers to a contribution to a scholarship granting organization for use**
7 **in a school scholarship program.**

8 **Sec. 4. (a) "Cost of education" means the tuition and fees that would otherwise be charged**
9 **by a participating school to:**

10 **(1) an eligible student; or**

11 **(2) a parent of an eligible student.**

12 **(b) In the case of an eligible pupil who attends a public school, the term includes any transfer**
13 **tuition charged to the eligible student or a parent of the eligible student.**

14 **Sec. 5. "Eligible student" refers to an individual who:**

15 **(1) has legal settlement in Indiana;**

16 **(2) is at least five (5) years of age and less than twenty-two (22) years of age on the date in**
17 **the school year specified in IC 20-33-2-7;**

18 **(3) either has been or is currently enrolled in a participating school;**

19 **(4) either:**

20 **(A) is a member of a household with an annual income of not more than two hundred**
21 **percent (200%) of the amount required for the individual to qualify for the federal free**
22 **or reduced price lunch program; or**

23 **(B) received a scholarship under this article in the immediately preceding school year**
24 **or the immediately preceding term of the current school year and qualified under clause**

25 **(A) in the first year that the individual received a scholarship under this article; and**

26 **(5) meets at least one (1) of the following conditions:**

27 **(A) The individual is enrolling in kindergarten.**

28 **(B) The individual was enrolled in a public school during the school year preceding the**
29 **first school year for which a scholarship granting organization provides a scholarship**
30 **to the individual.**

31 **(C) The individual received a scholarship in the previous year from a nonprofit**
32 **scholarship granting organization that qualifies for certification as a school scholarship**
33 **program.**

34 **(D) The individual received a school scholarship for the previous school year.**

35 **Sec. 6. (a) "Participating school" refers to a public or nonpublic school that:**

36 **(1) an eligible student is required to pay tuition or transfer tuition to attend;**

37 **(2) voluntarily agrees to enroll an eligible student;**

38 **(3) is accredited by either the state board or a national or regional accreditation agency that**
39 **is recognized by the state board; and**

40 **(4) administers the tests under the Indiana statewide testing for educational progress**
41 **(ISTEP) program or administers another nationally recognized and norm referenced**
42 **assessment of the school's students.**

43 **(b) The term does not include a public school in a school corporation where the eligible**
44 **student has legal settlement under IC 20-26-11.**

45 **Sec. 7. "Scholarship granting organization" refers to an organization that:**

46 **(1) is exempt from federal income taxation under Section 501(c)(3) of the Internal Revenue**
47 **Code; and**

48 **(2) is organized at least in part to grant school scholarships.**

1 **Sec. 8. "School scholarship" refers to a grant to pay only the cost of education for an eligible**
2 **student as determined for the school year for which the scholarship will be granted.**

3 **Chapter 2. Exchange of Information; Rules**

4 **Sec. 1. The department of state revenue shall maintain a publicly available list of the school**
5 **scholarship programs certified by the department of state revenue. The list must contain names,**
6 **addresses, and any other information that the department of state revenue determines is**
7 **necessary for the public to determine which scholarship granting organizations conduct school**
8 **scholarship programs. A current list must be posted on an Internet web site used by the**
9 **department of state revenue to provide information to the public.**

10 **Chapter 3. Scholarship Granting Organizations; Certification; Administration of**
11 **Contributions**

12 **Sec. 1. (a) A program qualifies for certification as a school scholarship program if:**

13 **(1) the program:**

14 **(A) is administered by a scholarship granting organization; and**

15 **(B) has the primary purpose of providing school scholarships to eligible students; and**

16 **(2) the scholarship granting organization administering the program:**

17 **(A) applies to the department of state revenue on the form and in the manner prescribed**
18 **by the department of state revenue; and**

19 **(B) enters into an agreement with the department of state revenue to comply with this**
20 **article.**

21 **(b) A program may not be certified as a school scholarship program if the program:**

22 **(1) limits a recipient of a school scholarship to attending specific participating schools; or**

23 **(2) limits the ability of a recipient of a school scholarship to change attendance from one**
24 **(1) participating school to another participating school.**

25 **Sec. 2. The department of state revenue shall certify all programs that meet the qualifications**
26 **under section 1 of this chapter as school scholarship programs.**

27 **Sec. 3. An agreement entered into under section 1 of this chapter between the department of**
28 **state revenue and a scholarship granting organization must require the scholarship granting**
29 **organization to do the following:**

30 **(1) Provide a receipt to taxpayers for contributions made to the scholarship granting**
31 **organization that will be used in a school scholarship program. The department of state**
32 **revenue shall prescribe a standardized form for the receipt issued under this subdivision.**
33 **The receipt must indicate the value of the contribution and portion of the contribution**
34 **being designated for use in a school scholarship program.**

35 **(2) Distribute at least ninety percent (90%) of the total amount of contributions as school**
36 **scholarships to eligible students.**

37 **(3) Distribute one hundred percent (100%) of any income earned on contributions as school**
38 **scholarships to eligible students.**

39 **(4) Conduct criminal background checks on all the scholarship granting organization's**
40 **employees and board members and exclude from employment or governance any individual**
41 **who might reasonably pose a risk to the appropriate use of contributed funds.**

42 **(5) Make the reports required by this chapter.**

43 **Sec. 4. An agreement entered into under section 1 of this chapter may not prohibit a**
44 **scholarship granting organization from receiving contributions other than contributions**
45 **described in section 3(1) of this chapter.**

46 **Sec. 5. An agreement entered into under section 1 of this chapter must prohibit a scholarship**
47 **granting organization from distributing school scholarships for use by an eligible student to:**

48 **(1) enroll in a school that has:**

- 1 (A) paid staff or board members; or
- 2 (B) relatives of paid staff or board members;
- 3 in common with the scholarship granting support organization;
- 4 (2) enroll in a school that the scholarship granting organization knows does not qualify as
- 5 a participating school; or
- 6 (3) pay for the cost of education for a public school where the eligible student is entitled to
- 7 enroll without the payment of tuition.

8 Sec. 6. (a) A scholarship granting organization certified under this chapter must publicly
9 report to the department of state revenue by August 1 of each year the following information
10 regarding the organization's scholarships awarded in the previous school year:

- 11 (1) The name and address of the scholarship granting organization.
- 12 (2) The total number and total dollar amount of contributions received during the previous
- 13 school year.
- 14 (3) The:
- 15 (A) total number and total dollar amount of scholarships awarded during the previous
- 16 school year; and
- 17 (B) total number and total dollar amount of school scholarships awarded during the
- 18 previous school year.

19 The report must be certified under penalties of perjury by the chief executive officer of the
20 scholarship granting organization.

21 (b) A scholarship granting organization certified under this chapter shall contract with an
22 independent certified public accountant for an annual financial audit of the scholarship granting
23 organization. The scholarship granting organization must provide a copy of the annual financial
24 audit to the department and must make the annual financial audit available to a member of the
25 public upon request.

26 Sec. 7. The department of state revenue shall prescribe a standardized form for scholarship
27 granting organizations to report information required under this chapter.

28 Sec. 8. The department of state revenue may, in a proceeding under IC 4-21.5, suspend or
29 terminate the certification of an organization as a scholarship granting organization if the
30 department of state revenue establishes that the scholarship granting organization has
31 intentionally and substantially failed to comply with the requirements of this article or an
32 agreement entered into under this article.

33 Sec. 9. If the department of state revenue suspends or terminates the certification of an
34 organization as a scholarship granting organization, the department of state revenue shall notify
35 affected eligible students and their parents of the decision as quickly as possible. An eligible
36 student affected by a suspension or termination of a scholarship granting organization's
37 certification shall remain an eligible student under this article until the end of the school year
38 after the school year in which the scholarship granting organization's certification is suspended
39 or terminated, regardless of whether the scholarship student currently meets the definition of
40 an eligible student.

41 Sec. 10. The department of state revenue may conduct either a financial review or an audit
42 of a scholarship granting organization certified under this chapter if the department of state
43 revenue has evidence of fraud.

44 Sec. 11. The department of state revenue shall adopt rules under IC 4-22-2 to implement this
45 article.

46 SECTION 113. IC 21-29-3-3, AS ADDED BY P.L.2-2007, SECTION 270, IS AMENDED TO
47 READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 3. (a) Subject to subsections (b) through
48 (d), any state educational institution may enter into and modify, amend, or terminate one (1) or more

1 swap agreements that the state educational institution determines to be necessary or desirable in
2 connection with or incidental to the issuance, carrying, or securing of obligations. Swap agreements
3 entered into by a state educational institution must:

- 4 (1) contain the provisions (including payment, term, security, default, and remedy provisions);
- 5 and
- 6 (2) be with the parties;

7 that the state educational institution determines are necessary or desirable after due consideration is
8 given to the creditworthiness of the parties.

9 (b) A state educational institution may not:

10 **(1) enter into, modify, amend, or terminate any swap agreement without the specific**
11 **approval of the public finance director appointed under IC 4-4-11-9;**

12 ~~(1)~~ **(2)** enter into any swap agreement under this section other than for the purpose of managing
13 an interest rate or similar risk that arises in connection with or incidental to the issuance,
14 carrying, or securing of obligations by the state educational institution; or

15 ~~(2)~~ **(3)** carry on a business of acting as a dealer in swap agreements.

16 (c) A swap agreement is considered as being entered into in connection with or incidental to the
17 issuance, carrying, or securing of obligations if:

18 (1) the swap agreement is entered into not more than one hundred eighty (180) days after the
19 issuance of the obligations and specifically indicates the agreement's relationship to the
20 obligations;

21 (2) the board of trustees of the state educational institution specifically designates the swap
22 agreement as having a relationship to the particular obligations;

23 (3) the swap agreement amends, modifies, or reverses a swap agreement described in subdivision
24 (1) or (2); or

25 (4) the terms of the swap agreement bear a reasonable relationship to the terms of the obligations.

26 (d) Payments to be made by a state educational institution to any other party under a swap
27 agreement are payable only from the same source or sources of funds from which the related
28 obligations are payable.

29 SECTION 114. IC 33-24-6-12 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1,
30 2009]: Sec. 12. (a) The judicial technology and automation project fund is established to fund the
31 judicial technology and automation project. The ~~division of state court administration~~ **budget agency**
32 shall administer the fund. The fund consists of the following:

33 (1) Deposits made under IC 33-37-9-4.

34 (2) Other appropriations made by the general assembly.

35 (3) Grants and gifts designated for the fund or the judicial technology and automation project.

36 (b) The treasurer of state shall invest the money in the fund not currently needed to meet the
37 obligations of the fund in the same manner as other public funds may be invested.

38 (c) Money in the fund at the end of a state fiscal year does not revert to the state general fund.

39 ~~(d) There is annually appropriated to the division of state court administration the money in the~~
40 ~~fund for the judicial technology and automation project.~~

41 **(d) The budget agency shall establish standards and procedures for the judicial technology**
42 **and automation project. The standards shall be established to ensure that data collection,**
43 **storage, and applications are compatible to promote data sharing and consistency among all**
44 **users in Indiana. The budget agency shall develop a process to provide grants to counties to fund**
45 **court technology and automation projects that meet the standards for compatibility established**
46 **under this section. In addition to providing grants to counties, the budget agency may provide**
47 **funding from the fund to the office of technology or the division of state court administration**
48 **to assist in the implementation of the project.**

(e) The budget agency shall make a progress report to the budget committee on the status of the judicial technology and automation project before December 31, 2009.

SECTION 115. IC 33-37-5-21, AS AMENDED BY P.L.234-2007, SECTION 69, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 21. (a) This section applies to all civil, criminal, infraction, and ordinance violation actions.

(b) The clerk shall collect a ~~seven dollar (\$7)~~ **an** automated record keeping fee **in the following amounts:**

(1) Seven dollars (\$7) after June 30, 2003, and before July 1, ~~2011~~ **2009**.

(2) ~~Four Five~~ **Five** dollars (~~\$4~~) (**\$5**) after June 30, ~~2011~~ **2009**.

SECTION 116. IC 33-37-5-27, AS AMENDED BY P.L.122-2008, SECTION 3, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 27. (a) This subsection does not apply to the following:

(1) A criminal proceeding.

(2) A proceeding to enforce a statute defining an infraction.

(3) A proceeding for an ordinance violation.

In each action filed in a court described in IC 33-37-1-1, **and in each small claims action in a court described in IC 33-34**, the clerk shall collect a court administration fee of ~~five~~ **seven** dollars (~~\$5~~) (**\$7**).

(b) In each action in which a person is:

(1) convicted of an offense;

(2) required to pay a pretrial diversion fee;

(3) found to have committed an infraction; or

(4) found to have violated an ordinance;

the clerk shall collect a court administration fee of ~~five~~ **seven** dollars (~~\$5~~) (**\$7**).

(c) **After June 30, 2009, the clerk shall collect a court administration fee of five dollars (\$5) in each small claims action filed in a court described in IC 33-34.**

SECTION 117. IC 33-37-7-9, AS AMENDED BY P.L.122-2008, SECTION 5, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2010]: Sec. 9. (a) On June 30 and on December 31 of each year, the auditor of state shall transfer to the treasurer of state ~~nine ten million two three hundred seventy-seven~~ **twenty-one thousand twenty-three one hundred fifty-two** dollars (~~\$9,277,023~~) (**\$10,321,152**) for distribution under subsection (b).

(b) On June 30 and on December 31 of each year, the treasurer of state shall deposit into:

(1) the family violence and victim assistance fund established by IC 12-18-5-2 an amount equal to ~~eight seven and three-hundredths~~ **twenty-two hundredths** percent (~~8.03%~~) (**7.22%**);

(2) the Indiana judges' retirement fund established by IC 33-38-6-12 an amount equal to ~~thirty-eight~~ **thirty-four and fifty-five** ~~sixty-six~~ **hundredths** percent (~~38.55%~~) (**34.66%**);

(3) the law enforcement academy building fund established by IC 5-2-1-13 an amount equal to two and ~~fifty-six~~ **thirty-one** hundredths percent (~~2.56%~~) (**2.31%**);

(4) the law enforcement training fund established by IC 5-2-1-13 an amount equal to ~~ten nine and twenty-seven~~ **twenty-four** hundredths percent (~~10.27%~~) (**9.24%**);

(5) the violent crime victims compensation fund established by IC 5-2-6.1-40 an amount equal to ~~eleven ten and ninety-three~~ **seventy-three** hundredths percent (~~11.93%~~) (**10.73%**);

(6) the motor vehicle highway account an amount equal to ~~nineteen seventeen and forty-nine~~ **fifty-two** hundredths percent (~~19.49%~~) (**17.52%**);

(7) the fish and wildlife fund established by IC 14-22-3-2 an amount equal to ~~twenty-five~~ **twenty-three** hundredths percent (~~0.25%~~) (**0.23%**);

(8) the Indiana judicial center drug and alcohol programs fund established by IC 12-23-14-17 for the administration, certification, and support of alcohol and drug services programs under IC 12-23-14 an amount equal to one and ~~sixty-three~~ **forty-seven** hundredths percent (~~1.63%~~) **and**

1 (1.47%);

2 (9) the DNA sample processing fund established under IC 10-13-6-9.5 for the funding of the
3 collection, shipment, analysis, and preservation of DNA samples and the conduct of a DNA data
4 base program under IC 10-13-6 an amount equal to ~~seven six and twenty-nine~~ **fifty-six**
5 **hundredths percent (7.29%); (6.56%); and**

6 **(10) the prosecuting attorneys retirement fund established by IC 33-39-7-9 an amount equal**
7 **to ten and six hundredths percent (10.06%);**

8 of the amount transferred by the auditor of state under subsection (a).

9 (c) On June 30 and on December 31 of each year, the auditor of state shall transfer to the treasurer
10 of state for deposit into the public defense fund established under IC 33-40-6-1:

11 (1) after June 30, 2004, and before July 1, 2005, one million seven hundred thousand dollars
12 (\$1,700,000); and

13 (2) after June 30, 2005, two million seven hundred thousand dollars (\$2,700,000).

14 SECTION 118. IC 33-39-6-5.5 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO
15 READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: **Sec. 5.5. (a) In addition to the salary provided**
16 **under section 2 or 5 of this chapter, a full-time prosecuting attorney or deputy prosecuting**
17 **attorney may receive any additional salary provided by the county under IC 36-2-5-14 or**
18 **IC 36-3-6-3(c).**

19 (b) Before November 2 each year, the county auditor of each county shall certify to the
20 division of state court administration the amounts, if any, the county will provide during the
21 ensuing calendar year for full-time prosecuting attorney and deputy prosecuting attorney
22 salaries under IC 36-2-5-14 or IC 36-3-6-3(c).

23 (c) The county council of a county that provides additional salary under IC 36-2-5-14 or
24 IC 36-3-6-3(c) shall appropriate a sufficient amount to pay the additional salary provided by the
25 county.

26 (d) The state shall deposit quarterly in the state general fund the money received from the
27 counties under subsection (e) for additional salary provided under IC 36-2-5-14 or
28 IC 36-3-6-3(c).

29 (e) A county that provides additional salary for a full-time prosecuting attorney or deputy
30 prosecuting attorney under IC 36-2-5-14 or IC 36-3-6-3(c) shall determine for the prosecuting
31 attorney and each deputy prosecuting attorney whether the total of:

32 (1) the payment made on behalf of that prosecuting attorney or deputy prosecuting
33 attorney;

34 (2) previous payments made on behalf of that prosecuting attorney or deputy prosecuting
35 attorney in the same calendar year; and

36 (3) the state share of:

37 (A) the prosecuting attorney's salary under section 5 of this chapter; or

38 (B) the deputy prosecuting attorney's salary under section 2 of this chapter;

39 exceeds the Social Security wage base established by the federal government for that year. If the
40 total does not exceed the Social Security wage base, the payment made under subsection (d) on
41 behalf of that prosecuting attorney or deputy prosecuting attorney must also be accompanied
42 by an amount equal to the employer's share of Social Security taxes and Medicare taxes. If the
43 total exceeds the Social Security wage base, the part of the payment on behalf of the prosecuting
44 attorney or deputy prosecuting attorney that is below the Social Security wage base must be
45 accompanied by an amount equal to the employer's share of Social Security taxes and Medicare
46 taxes, and the part of the payment on behalf of the prosecuting attorney or deputy prosecuting
47 attorney that exceeds the Social Security wage base must be accompanied by an amount that is
48 equal to the employer's share of Medicare taxes.

SECTION 119. IC 33-39-7-7 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 7. (a) As used in this chapter, "salary" means:

(1) before December 1, 2010, the salary paid to a participant by the state; or

(2) subject to subsection (b), after November 30, 2010, the total salary paid to a participant by the state plus any additional salary paid by a county or counties under IC 36-2-5-14(b) or IC 36-3-6-3(c);

determined without regard to any salary reduction agreement established under Section 125 of the Internal Revenue Code. Before December 1, 2010, the term does not include an amount paid to a participant by a county or counties.

(b) This subsection applies only to a chief deputy prosecuting attorney. The amount of any additional salary paid by a county or counties under IC 36-2-5-14(b) or IC 36-3-6-3(c) included in a participant's salary under subsection (a)(2) may not exceed five thousand dollars (\$5,000).

SECTION 120. IC 33-39-7-12 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 12. (a) Except as provided in subsection (b) or (c), each participant shall make contributions to the fund as follows:

(1) A participant described in section 8(a)(1) of this chapter shall make contributions of six percent (6%) of each payment of salary received for services after December 31, 1989.

(2) A participant described in section 8(a)(2) or 8(a)(3) of this chapter shall make contributions of six percent (6%) of each payment of salary received for services after June 30, 1994.

A participant's contributions shall be deducted from the participant's monthly salary by the auditor of state and credited to the fund.

(b) The state may pay the contributions for a participant.

(c) After November 30, 2010, a participant who completes twenty-two (22) years of creditable service in the fund is not required to make any additional contributions to the fund.

SECTION 121. IC 33-39-7-16, AS AMENDED BY P.L.33-2006, SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 16. (a) This section does not apply to a participant who meets the requirements for disability benefits under section 17 of this chapter.

(b) Except as provided in subsections (c) and ~~(d)~~, (e), the amount of the annual retirement benefit to which a participant who applies for a retirement benefit and who is at least sixty-five (65) years of age is entitled equals the product of:

(1) one (1) of the following:

(A) before December 1, 2010, the highest annual salary that was paid to the participant before separation from service; or

(B) after November 30, 2010, the applicable salary determined under subsection (g); multiplied by

(2) the percentage prescribed in the following table:

Participant's Years of Service	Percentage
Less than 8	0
8	24%
9	27%
10	30%
11	33%
12	50%
13	51%
14	52%
15	53%
16	54%

1	17	55%
2	18	56%
3	19	57%
4	20	58%
5	21	59%
6	22 or more	60%

(c) If a participant who applies for a retirement benefit is not at least sixty-five (65) years of age, the participant is entitled to receive a reduced annual retirement benefit that equals the benefit that would be payable if the participant were sixty-five (65) years of age reduced by ~~one-fourth percent (0.25%)~~ **one (1) of the following percentages** for each month that the participant's age at retirement precedes the participant's sixty-fifth birthday:

(1) For a participant who applies for a retirement benefit before December 1, 2010, one-quarter percent (0.25%).

(2) For a participant who applies for a retirement benefit after November 30, 2010, one-tenth percent (0.1%).

(d) This subsection applies to a retirement benefit computed after November 30, 2010, under subsection (b) or (c). If a participant has a partial year of service in addition to at least eight (8) full years of service, a participant is entitled to have added to the percentage prescribed under subsection (b)(2) an additional amount that is determined by prorating between the applicable percentages based on the number of months in the partial year of service.

~~(d)~~ (e) Benefits payable to a participant under this section are reduced by the pension, if any, that would be payable to the participant from the public employees' retirement fund if the participant had retired from the public employees' retirement fund on the date of the participant's retirement from the prosecuting attorneys retirement fund. Benefits payable to a participant under this section are not reduced by annuity payments made to the participant from the public employees' retirement fund.

~~(e)~~ (f) If benefits payable from the public employees' retirement fund exceed the benefits payable from the prosecuting attorneys retirement fund, the participant is entitled at retirement to withdraw from the prosecuting attorneys retirement fund the total sum contributed plus interest at the rate of five and one-half percent (5.5%) compounded annually.

(g) The applicable salary is one (1) of the following:

(1) The highest annual salary that was paid to the participant before separation from service for:

(A) a participant who applies to receive a retirement benefit from the fund before December 1, 2010; or

(B) a participant who:

(i) before December 1, 2010, separates from service;

(ii) is entitled to receive a retirement benefit from the fund, but does not apply before December 1, 2010, to receive a retirement benefit from the fund; and

(iii) does not earn any service credit in the fund after November 30, 2010.

(2) The salary being paid for the office with the highest annual salary that the participant held before or at the time of the participant's separation from service for a participant who:

(A) applies to receive a benefit after November 30, 2010; and

(B) is not a participant described in subdivision (1)(B).

SECTION 122. IC 33-39-7-17 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 17. (a) Except as provided in subsection ~~(b)~~, (c), a participant who becomes disabled before December 1, 2010, while in active service in a position described in section 8 of this chapter may retire for the duration of the disability if:

(1) the participant has at least five (5) years of creditable service;

(2) the participant has qualified for Social Security disability benefits and has furnished proof of the Social Security qualification to the board; and

(3) at least once each year until the participant becomes sixty-five (65) years of age a representative of the board verifies the continued disability.

For purposes of this section, a participant who has qualified for disability benefits under the federal civil service system is considered to have met the requirement of subdivision (2) if the participant furnishes proof of the qualification to the board.

(b) Except as provided in subsection (c), a participant who becomes disabled after November 30, 2010, while in active service in a position described in section 8 of this chapter may retire for the duration of the disability if:

(1) the board determines that:

(A) the participant is incapacitated because of at least one (1) physical or mental condition that renders the participant unable to perform the essential duties of a prosecuting attorney; and

(B) the condition is likely to be permanent; and

(2) at least once each year until the participant becomes sixty-five (65) years of age the board verifies the continued disability.

~~(b)~~ **(c)** Benefits may not be provided under this chapter for any disability that:

(1) results from an intentionally self-inflicted injury or attempted suicide while sane or insane;

(2) results from the participant's commission or attempted commission of a felony; or

(3) begins within two (2) years after a participant's entry or reentry into active service in a position described in section 8 of this chapter and was caused or contributed to by a mental or physical condition that manifested itself before the participant entered or reentered active service.

~~(c)~~ **(d)** To the extent required by the Americans with Disabilities Act, the transcripts, reports, records, and other material generated to prove that an individual is qualified for disability benefits under this section shall be:

(1) kept in separate medical files for each member; and

(2) treated as confidential medical records.

SECTION 123. IC 33-39-7-18 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 18. (a) Except as provided in subsection ~~(b)~~; **(c)**, the amount of the annual benefit payable to a participant who meets the requirements for disability benefits under section 17 of this chapter is equal to the product of:

(1) the ~~annual~~ **applicable** salary ~~that was paid to the participant determined~~ at the time of a **participant's** separation from service **under section 16(g) of this chapter**; multiplied by

(2) the **applicable** percentage prescribed in ~~one (1) of the following table:~~ **tables:**

(A) For a participant who applies for a disability benefit before December 1, 2010:

Participant's Years of Service	Percentage
Less than 5	0
5-10	40%
11	41%
12	42%
13	43%
14	44%
15	45%
16	46%
17	47%
18	48%

1	19	49%
2	20 or more	50%

(B) For a participant who applies for a disability benefit after November 30, 2010:

Participant's Years of Service	Percentage
-----------------------------------	------------

6	0-12	50%
7	13	51%
8	14	52%
9	15	53%
10	16	54%
11	17	55%
12	18	56%
13	19	57%
14	20	58%
15	21	59%
16	22 or more	60%

(b) This subsection applies to a disability benefit computed after November 30, 2010, under subsection (a). If a participant has a partial year of service in addition to at least eight (8) full years of service, a participant is entitled to have added to the percentage prescribed under subsection (a)(2) an additional amount that is determined by prorating between the applicable percentages based on the number of months in the partial year of service.

~~(b)~~ **(c)** Benefits payable to a participant under this section are reduced by the amounts, if any, that are payable to the participant from the public employees' retirement fund.

SECTION 124. IC 33-39-7-19, AS AMENDED BY P.L.33-2006, SECTION 3, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 19. (a) The surviving spouse of a participant who:

(1) dies; and

(2) on the date of death:

(A) was receiving benefits under this chapter;

(B) had completed at least eight (8) years of service in a position described in section 8 of this chapter; or

(C) met the requirements for disability benefits under section 17 of this chapter;

is entitled, regardless of the participant's age, to the benefit prescribed by subsection (b) **or (c).**

(b) This subsection applies to the surviving spouse of a participant who dies before December 1, 2010. The surviving spouse is entitled to a benefit for life equal to the greater of:

(1) seven thousand dollars (\$7,000); or

(2) fifty percent (50%) of the amount of retirement benefit the participant was drawing at the time of death, or to which the participant would have been entitled had the participant retired and begun receiving retirement benefits on the date of death, with reductions as necessary under section 16(c) of this chapter.

(c) This subsection applies to the surviving spouse of a participant who dies after November 30, 2010. The surviving spouse is entitled to a benefit for life equal to the greater of:

(1) twelve thousand dollars (\$12,000); or

(2) fifty percent (50%) of the amount of retirement benefit the participant was drawing at the time of death, or to which the participant would have been entitled if the participant retired and began receiving retirement benefits on the date of death, with reductions as necessary under section 16(c) of this chapter.

~~(c)~~ **(d)** Benefits payable to a surviving spouse under this section are reduced by the amounts, if any,

1 that are payable to the surviving spouse from the public employees' retirement fund as a result of the
2 participant's death.

3 SECTION 125. IC 33-39-7-26 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO
4 READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: **Sec. 26. (a) This section applies in state fiscal**
5 **years beginning after June 30, 2011.**

6 **(b) If a salary increase is provided in a particular state fiscal year under IC 33-39-6-5 or any**
7 **other provision enacted by the general assembly in the state fiscal year, the monthly benefit**
8 **payable under this chapter shall be increased by the same percentage by which salaries are**
9 **increased under IC 33-39-6-5 in that state fiscal year. The percentage increase shall be applied**
10 **to the monthly benefit (including any previous increases to the monthly benefit received under**
11 **this section or under any other provision) received by the participant as of June 30 of the**
12 **immediately preceding state fiscal year. The percentage increase to the monthly benefit takes**
13 **effect at the same time that the salary increase under IC 33-39-6-5 takes effect.**

14 **(c) A monthly benefit increase payable under this section may not include any amount based**
15 **on the percentage by which any salary provided by a county or counties under IC 36-2-5-14 or**
16 **IC 36-3-6-3(c) may have increased in a state fiscal year.**

17 SECTION 126. IC 36-1-8-17 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO
18 READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: **Sec. 17. (a) As used in this section,**
19 **"compensation" means the total of all money paid to an elected county, city, town, or township**
20 **officer for performing duties as an elected officer, regardless of the source of funds from which**
21 **the money is paid. The term includes all employee benefits paid to the elected officer, including**
22 **life insurance, health insurance, disability insurance, retirement benefits, and pension benefits.**

23 **(b) An elected county, city, town, or township officer may waive some or all of the elected**
24 **officer's compensation for any year by filing a notice that satisfies the following:**

25 **(1) The notice is in writing.**

26 **(2) The notice states in substance all of the following:**

27 **(A) The position held by the elected officer.**

28 **(B) The calendar year covered by the notice.**

29 **(C) The part of the elected officer's compensation that will be waived under this section.**

30 **(D) That the elected officer understands that the notice is irrevocable beginning January**
31 **1 of the year covered by the notice.**

32 **(3) The notice is signed by the elected officer who wants to waive compensation.**

33 **(c) An elected county, city, town, or township officer who wants to waive compensation under**
34 **this section must file the notice with the fiscal officer of the elected officer's county, city, town,**
35 **or township before January 1 of the year covered by the notice.**

36 **(d) Beginning January 1 of the year covered by the notice, a notice filed under this section is**
37 **irrevocable during the year covered by the notice.**

38 **(e) An elected county, city, town, or township officer who files a notice under this section:**

39 **(1) is not entitled to the part of compensation waived for duties performed in the year**
40 **covered by the notice; and**

41 **(2) may not be paid the part of compensation waived for duties performed in the year**
42 **covered by the notice.**

43 SECTION 127. THE FOLLOWING ARE REPEALED [EFFECTIVE JANUARY 1, 2009
44 (RETROACTIVE)]: IC 20-20-34; IC 20-40-4; IC 20-43-1-4; IC 20-43-1-29.3; IC 20-43-1-27;
45 IC 20-43-1-29; IC 20-43-4-7; IC 20-43-5-1; IC 20-43-5-2; IC 20-43-5-7; IC 20-43-5-9; IC 20-43-6-5;
46 IC 20-45-1-2; IC 20-45-1-6; IC 20-45-1-12; IC 20-45-1-21.3; IC 20-45-1-21.5; IC 20-45-1-21.7.

47 SECTION 128. THE FOLLOWING ARE REPEALED [EFFECTIVE JULY 1, 2009]:
48 IC 20-46-5-6; IC 20-46-6-8.

1 SECTION 129. THE FOLLOWING ARE REPEALED [EFFECTIVE JANUARY 1, 2010]:
2 IC 20-40-8-19; IC 20-46-6-4; IC 20-46-6-6.

3 SECTION 130. IC 36-5-3-6 IS REPEALED [EFFECTIVE JANUARY 1, 2010].

4 SECTION 131. [EFFECTIVE JULY 1, 2009] (a) **IC 36-1-8-17, as added by this act, applies only**
5 **to a waiver of compensation for calendar years beginning after December 31, 2009.**

6 **(b) This SECTION expires January 1, 2012.**

7 SECTION 132. [EFFECTIVE JANUARY 1, 2009 (RETROACTIVE)] (a) **The department of**
8 **education shall, on the schedule determined by the department of education, adjust the special**
9 **education grant distributed to a school corporation under IC 20-43-7-6, as amended by this act,**
10 **in 2009 to reflect any special education preschool grant distributions made to the school**
11 **corporation under IC 20-20-34-3 before the effective date of this SECTION. The amount of any**
12 **reduction in a special education grant under this SECTION shall not be considered for purposes**
13 **of applying IC 20-43-2-3. The unencumbered balance of a school corporation's special education**
14 **preschool fund shall be transferred to the school corporation's general fund for purposes of the**
15 **school corporation's general fund as soon as practicable after the effective date of this**
16 **SECTION.**

17 **(b) The department of education shall, on the schedule determined by the department of**
18 **education, adjust state tuition support grants distributed to a school corporation under IC 20-43,**
19 **as amended by this act, after the passage of this act to reflect any state tuition support grant**
20 **distributions made before the passage of this act under IC 20-43, as it existed before the passage**
21 **of this act. The amount of:**

22 **(1) any reduction in a state tuition support grant distribution made to comply with this**
23 **SECTION after the passage of this act shall not be considered for the purposes of applying**
24 **IC 20-43-2-3; and**

25 **(2) any state tuition support grant distributions made before the passage of this act (after**
26 **any reduction required by this SECTION) shall be considered for purposes of applying**
27 **IC 20-43-2-3.**

28 **(c) This SECTION expires January 1, 2010.**

29 SECTION 133. [EFFECTIVE JULY 1, 2009] **The general assembly finds that the state needs**
30 **the construction, equipping, renovation, refurbishing, and alteration of additional correctional**
31 **facilities for use by the department of correction. The general assembly finds that the state will**
32 **have a continuing need for use and occupancy of those correctional facilities. The correctional**
33 **facilities shall be provided as additions to two (2) existing correctional facilities. The general**
34 **assembly authorizes the Indiana finance authority to provide the correctional facilities under**
35 **IC 4-13.5-1 and IC 4-13.5-4, including the borrowing of money or the issuance and sale of bonds,**
36 **or both, under IC 4-13.5-4, subject to the approval of the budget agency after review by the**
37 **budget committee, at a cost of not more than forty-five million dollars (\$45,000,000).**

38 SECTION 134. [EFFECTIVE JULY 1, 2009] (a) **The commission for higher education with the**
39 **assistance of the state student assistance commission shall study the funding of college**
40 **scholarship programs provided by the state student assistance commission and the state's public**
41 **universities. The study must examine the following issues:**

42 **(1) The limits established for awards and the differences between the limits established for**
43 **private and public universities.**

44 **(2) The extent to which criteria for establishing the eligibility of an applicant should**
45 **consider receipt of Pell Grants, other wrap-around assistance provided by a university, tax**
46 **credits, and other assistance.**

47 **(3) The relative amounts of assistance provided on the basis of merit and on the basis of**
48 **need.**

1 (4) Whether means tests should be required for students participating in the twenty-first
2 century scholars program as those students enter college.

3 (5) Scholarships and awards provided for members of the military and national guard.

4 (6) Scholarships and awards provided to individuals being held in state correctional
5 facilities.

6 (b) The state's public universities shall provide the commission for higher education with the
7 data necessary to complete the study. The commission shall before June 30, 2010, provide a
8 report and recommendations to the budget committee for modernizing and improving
9 scholarship programs.

10 (c) This SECTION expires January 1, 2011.

11 SECTION 135. [EFFECTIVE JULY 1, 2009] (a) The budget agency shall review the costs of
12 providing employee health, vision, and dental insurance for state employees and employees of
13 school corporations and public universities. In conducting the review the budget agency shall
14 collect data on the cost of existing plans offered by the state, school corporations, and public
15 universities. School corporations and public universities shall provide the data needed to
16 complete the review as requested by the budget agency. The budget agency shall review the
17 following:

18 (1) Comparative costs of providing health insurance among the employer groups.

19 (2) Comparative benefits among the employee groups.

20 (3) Differences in amounts paid by employees and amounts paid by the employers.

21 (4) Opportunities to modernize health plans and take advantage of employee tax incentives
22 in the delivery of health insurance plans.

23 (5) Opportunities for efficiencies and cost savings for employers and employees by creating
24 additional or larger employee pools.

25 (6) Other factors the budget agency considers relevant to the review.

26 (b) The budget agency may use a part of the departmental and institutional contingency fund
27 to hire professionals to assist in gathering and examining data. The budget agency shall report
28 findings of the review to the budget committee before July 1, 2010.

29 (c) This SECTION expires January 1, 2011.

30 SECTION 136. [EFFECTIVE UPON PASSAGE] (a) The following definitions apply throughout
31 this SECTION:

32 (1) "Children's home" refers to the Indiana Soldiers' and Sailors' Children's Home
33 established by IC 16-33-4-5.

34 (2) "Task force" refers to the Indiana Soldiers' and Sailors' Children's Home task force
35 established by subsection (b).

36 (b) The Indiana Soldiers' and Sailors' Children's Home task force is established to evaluate
37 possible alternative uses for the children's home after June 30, 2010. The Indiana state
38 department of health shall provide administrative support for the task force.

39 (c) The task force consists of the following members:

40 (1) The governor or the governor's designee.

41 (2) The state superintendent of public instruction or the state superintendent's designee.

42 (3) The director of the department of child services established by IC 31-25-1-1 or the
43 director's designee.

44 (4) One (1) member appointed by the president pro tempore of the senate.

45 (5) One (1) member appointed by the minority leader of the senate.

46 (6) One (1) member appointed by the speaker of the house of representatives.

47 (7) One (1) member appointed by the minority leader of the house of representatives.

1 (d) The governor shall before July 1, 2009, appoint one (1) of the members of the task force
2 as chair of the task force.

3 (e) The task force may seek advice and assistance from the following organizations or
4 individuals or their representatives or designees:

5 (1) The commissioner of the Indiana department of administration established by
6 IC 4-13-1-2.

7 (2) The state health commissioner of the state department of health established by
8 IC 16-19-1-1.

9 (3) The adjutant general.

10 (4) The department adjutant of the American Legion Department of Indiana.

11 (5) The Alumni Association of the Indiana Soldiers' and Sailors' Children's Home.

12 (6) The superintendent of the children's home.

13 (7) The advisory committee for the Indiana Soldiers' and Sailors' Children's Home
14 established by IC 16-19-6-9.

15 (8) IARCCA.

16 (9) School corporations located near the children's home.

17 (10) Any other organization or individual that the task force determines might be useful to
18 the deliberations of the task force.

19 (f) The task force shall meet at the call of the chair of the task force and shall hold at least one
20 (1) meeting each month. At least two (2) meetings of the task force shall be held at the children's
21 home.

22 (g) Each member of the task force who is not a state employee is entitled to the minimum
23 salary per diem provided by IC 4-10-11-2.1(b). The member is also entitled to reimbursement
24 for traveling expenses as provided under IC 4-13-1-4 and other expenses actually incurred in
25 connection with the member's duties as provided in the state policies and procedures established
26 by the Indiana department of administration and approved by the budget agency.

27 (h) Each member of the task force who is a state employee but is not a member of the general
28 assembly is entitled to reimbursement for traveling expenses as provided under IC 4-13-1-4 and
29 other expenses actually incurred in connection with the member's duties as provided in the state
30 travel policies and procedures established by the Indiana department of administration and
31 approved by the budget agency.

32 (i) Each member of the task force who is a member of the general assembly is entitled to
33 receive the same per diem, mileage, and travel allowances paid to members of the general
34 assembly serving on interim study committees established by the legislative council.

35 (j) Before January 1, 2010, the task force shall submit a report to the governor and the
36 legislative council. The report submitted to the legislative council shall be submitted in an
37 electronic format under IC 5-14-6. The report must include the following:

38 (1) Estimated future capital and operating costs needed to continue to operate the children's
39 home as it was operated on July 1, 2008.

40 (2) The current fee structure for parents or guardians of children residing at the children's
41 home.

42 (3) Whether potential significant efficiencies exist if the children's home is permitted to
43 continue to operate under the same management structure as it was operated under on July
44 1, 2008.

45 (4) Whether federal or private funds may be available to continue to operate the children's
46 home as it was operated on July 1, 2008, or under an alternative management and
47 ownership structure.

(5) Possible alternative uses for the buildings, grounds, equipment, and other assets of the children's home, including the possible use as a charter school, a vocational school, a higher education facility, an alternate facility for a state agency or a unit of local government, or any other alternative that the task force considers to be appropriate.

(6) The potential to operate the children's home in its current capacity or in some other capacity under a public-private agreement.

(7) The best alternatives for education and other services for the children at the children's home.

(8) Whether the home should cease operation after June 30, 2010, or whether it should operate in a different capacity.

(9) Specific recommendations regarding the placement of children if the children's home is closed.

(k) This SECTION expires June 30, 2010.

SECTION 137. [EFFECTIVE UPON PASSAGE] (a) The Indiana finance authority shall study the mission, organization, and management structure of the I-Light fiber optic network. The study shall include the following issues:

(1) Whether the capabilities of the network are being used in a manner that maximizes benefits to the state, public and private universities, and other existing and potential consortium members.

(2) Whether an alternate provider could provide comparable service levels at a lower cost to the state.

(3) Whether there are opportunities for increased use of the network to support electronic learning, worker training, and workforce development.

(b) A public university that uses or benefits from the I-Light fiber optic network must provide to the Indiana finance authority any information concerning the network that is requested by the Indiana finance authority.

(c) The Indiana finance authority shall before November 1, 2009, submit a report of its findings and any recommendations to the governor and (in an electronic format under IC 5-14-6) to the legislative council.

(d) This SECTION expires July 1, 2010.

SECTION 138. [EFFECTIVE UPON PASSAGE] The department of state revenue may adopt temporary rules in the manner provided in IC 4-22-2-37.1 for the adoption of emergency rules to implement IC 20-51, as added by this act. A temporary rule adopted under this SECTION expires on the earliest of the following:

(1) The date another temporary rule is adopted under this SECTION that supersedes or repeals the previously adopted temporary rule.

(2) The date that a permanent rule adopted under IC 4-22-2 supersedes or repeals a temporary rule adopted under this SECTION.

(3) The date specified in the temporary rule.

(4) June 30, 2011.

SECTION 139. [EFFECTIVE JULY 1, 2009] (a) As used in this SECTION, "fund" refers to the prosecuting attorneys retirement fund established by IC 33-39-7-9.

(b) IC 33-39-7-7, IC 33-39-7-12, IC 33-39-7-16, IC 33-39-7-17, IC 33-39-7-18, and IC 33-39-7-19, all as amended by this act, apply only to a participant who, after November 30, 2010, earns creditable service in the fund for service in a position described in IC 33-39-7-8(a).

SECTION 140. [EFFECTIVE UPON PASSAGE] IC 6-3.1-30.5, as added by this act, applies to contributions made in taxable years beginning after December 31, 2009.

SECTION 141. An emergency is declared for this act.

COMMITTEE REPORT

Mr. Speaker: Your Committee on Ways and Means, to which was referred House Bill 1001, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill be amended as follows:

Delete the title and insert the following:

A BILL FOR AN ACT concerning state and local administration and to make an appropriation.

Delete everything after the enacting clause and insert the following:

(SEE TEXT OF BILL)

and when so amended that said bill do pass.

(Reference is to HB 1001 as introduced.)

CRAWFORD, Chair

Committee Vote: yeas 14, nays 9.

COMMITTEE REPORT

Madam President: Your Senate Committee on Appropriations, to which was referred House Bill No. 1001, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill be AMENDED as follows:

Delete the title and insert the following:

A BILL FOR AN ACT to amend the Indiana Code concerning state and local administration and to make an appropriation.

Delete everything after the enacting clause and insert the following:

(SEE TEXT OF BILL)

and when so amended that said bill do pass.

(Reference is to HB 1001 as printed February 17, 2009.)

KENLEY, Chairperson

Committee Vote: Yeas 10 , Nays 2.